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ABSTRACT

This guide is designed to assist programs in developing, expanding, or improving restitution activities for juvenile offenders. The guide is divided into five major sections. Part I focuses on the most fundamental decisions for restitution programs: program philosophy and goals, organizational structure, location within the juvenile justice system, and target population for restitution programs. In part II, three models of restitution programs are identified. The Financial and Community Service Model is described in terms of the basic process of developing, implementing, and enforcing restitution orders, and includes information about employment components and liability issues. The Victim-Offender Mediation and Service Model and the Victim Financial Restitution Model are also described. Part III of this guide concerns program implementation and includes sample forms, a checklist for restitution programming that can be used to implement new programs or to diagnose the needs of existing programs, and suggestions for getting programs started. Program management information systems and continuing evaluation that serves the informational needs of the program are discussed in part IV. Part V contains various papers on resources available to restitution programs: summaries of research findings about the effect of restitution, a review of legal issues, a discussion of employment models, information about federal assistance for restitution, and a bibliography. (NRB)

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Guide to Juvenile Restitution

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RESTTA

Restitution. It's a powerful dispositional option for juvenile offenders; one that more and more courts and juvenile justice professionals are beginning to use.

U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention
Restitution Education, Specialized Training, and Technical Assistance Program

Guide to Juvenile Restitution

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July 1985

RESTTA

Office of Juvenile Justice and Delinquency Prevention

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U.S. Department of Justice

Office of Juvenile Justice and
Delinquency Prevention

Washington, D.C. 20531

July 1985

The recent growth of concern for the victims of crime has spurred a renewed interest in restitution as a disposition. But restitution serves more than the victim; it provides the judge with an additional sanction, one that requires the offender to take responsibility for the criminal act. Holding offenders accountable will, we believe, have a significant impact on their rehabilitation.

Although the use of restitution is as ancient as adjudication, it has not been systematically applied. Judges are often neither informed about the different applications of restitution and their results, nor about the procedures and advantages of orderly administration. The Guide to Juvenile Restitution was developed to provide such information to all concerned. It is an integral part of the technical assistance provided by the Office of Juvenile Justice and Delinquency Prevention through the Restitution Education, Specialized Training, and Technical Assistance (RESTTA) program. A compendium of the current knowledge and experience in juvenile restitution programs, the Guide reflects the philosophy of the RESTTA program. It is designed to be informative, easy to read, and useful for designing a restitution program from top to bottom, as well as for improving a specific component of an existing program.

What you will not find in the Guide is a prescription from the Federal Government for the ideal or model restitution program. A spectrum of program options and components is described--a menu from which each jurisdiction can choose what best suits its needs.

Alfred S. Regnery
Administrator

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This *Guide* could not have been completed without the help of many people. I would especially like to thank Jean Warner and Dale McLaughlin of Oklahoma State University, as well as all the authors, for their patience and diligence. This more than applies to Barbara Allen-Hagen and Paul Steiner of the Office of Juvenile Justice and Delinquency Prevention. And special thanks to the art department of the National Criminal Justice Reference Service, for their first-rate work on this and all other facets of the RESTTA program.

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Guide to Juvenile Restitution

Introduction

Definitions

One of the most profound changes in juvenile justice during the past decade has been the increased use of restitution as a sanction for juvenile offenders. Although restitution is one of the most ancient responses to crime, it had not been used extensively in juvenile courts until the late 1970's. A survey conducted in 1983 indicated that 52 percent of the courts had a formal restitution program; almost all (97 percent) ordered restitution occasionally.

Virtually all States now have legislation that either specifically permits restitution as a sanction for juvenile crime or can be interpreted to permit restitution under the court's authority to order probation.

Proponents of restitution point to its positive impact on juveniles and victims alike and to its ability to improve public confidence in the juvenile justice system. Restitution "makes sense"—and it is changing the nature of juvenile justice in the United States.

Restitution is the compensation of a crime victim by the offender. Monetary restitution, in which the offender repays the victim for all or a portion of the loss attributable to the crime, is the most common type. Community service (also called "work service") is a particular type of restitution in which the offender makes restitution to a symbolic "victim"—usually by working for a public or nonprofit service agency. Direct victim service, in which the offender works for the victim, is a third type of restitution. Direct service is almost always considered the most desirable type of restitution, but it is seldom used in practice, apparently due to the reluctance of victims to become involved with offenders.

On the whole, the evidence regarding the effectiveness of restitution is impressive in its impact on both victims and offenders.

Concerns About Restitution

Many decisionmakers and juvenile justice professionals were initially skeptical about the use of restitution as a sanction for juvenile offenders. There were many concerns about statutory authority, the ability of youths to pay, liability of the court for injuries or subsequent crimes, and so forth.

Restitution has easily survived these sorts of objections, but it is not a panacea, either for victims or offenders. The 18,000 victims of juvenile crime for whom data were collected as part of the Office of Juvenile Justice and Delinquency Prevention's national evaluation reported losses of $9.5 million. Only $3.2 million was recovered from insurance or other sources, and only $1.5 million from the juveniles in the restitution programs. Even if the community service hours are valued at minimum wage, the total return is substantially less than the loss.

Nevertheless, restitution represents funds that victims otherwise would not have received, service hours that otherwise would not have been performed, and successful payment of a debt by the offender to the victim that otherwise would not have occurred.

Effectiveness of Restitution

Virtually all empirical studies of restitution, both juvenile and adult, have shown that victims who have received restitution are more satisfied than those who have not.

Similar results have been reported about the impact of restitution on recidivism. Studies with adult parolees conducted in the 1970's showed that those making restitution had fewer reconvictions than those incarcerated. Experimental studies in juvenile courts indicated that restitution was usually better than other dispositions in reducing recidivism (and was never worse than the disposition to which it was being compared).

Purpose of the *Guide*

This *Guide* has been developed to assist programs in developing, expanding, or improving restitution activities. No single model of restitution can be shown to be more effective than others, although literally dozens of decisions and actions will influence the ultimate success of an effort. The choice of how to operate a restitution program depends on the philosophy of juvenile justice that the local jurisdiction has adopted, resources available within the community, characteristics of offenders, and the skills of those responsible for developing the program.

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The *Guide* is organized into four major sections that can be read sequentially, although the reader will find that each section can be used as a "stand alone" reference.

The *Guide* does not cover all restitution-related topics, nor is comprehensive information on all of the aspects covered. The intent is to provide as much information—gleaned from experienced restitution program managers and research or evaluation reports—as possible to help other programs avoid common mistakes and increase their effectiveness.

Restitution's Impact on Recidivism

Proportion of Juveniles with One or More Subsequent Offenses after Referral to Program

	Restitution	Probation	Incarceration
Clayton Co., Georgia	47%	56%	
Oklahoma Co., Oklahoma	49%	52%	
Washington, D.C.	53%	63%	
Boise, Idaho	53%		59%

How To Use the *Guide*

This guide is organized around decisions. All restitution programs make hundreds of decisions—either implicitly or explicitly—about program philosophy, goals, organization, components, case processing, and so forth. The authors have not tried to tell the reader what decisions to make. Instead, they hope to have identified the most critical decisions, discussed the options that existing programs have tried, and described common experiences.

Part I. Fundamental Decisions

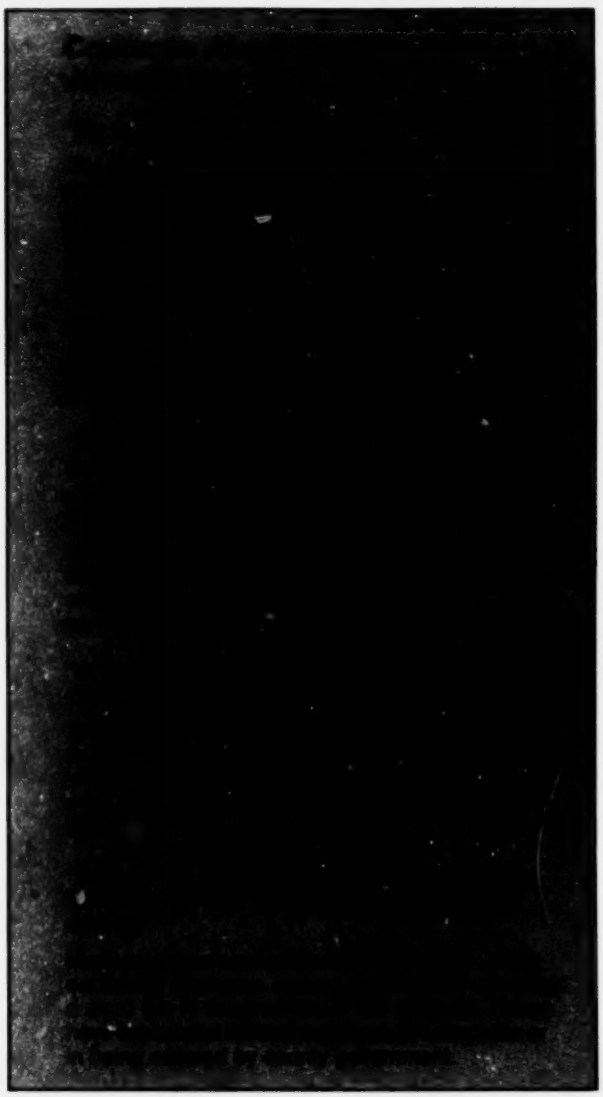
The *Guide* begins with the most fundamental decisions: program philosophy and goals, organizational structure, location within the juvenile justice system, and target population for restitution programs.

Program philosophies tend to *emerge* rather than to be *imposed* as a result of specific decisions made by specific individuals. Nevertheless, experienced program managers often reported that nothing was more important to their program than an articulation of their philosophy and an effort to shape operations to deliver a consistent message to juveniles and victims. That message usually involves accountability: holding juveniles accountable to victims is the rallying cry of restitution programs in the 1980's. Some programs emphasize accountability as an end in itself; others also focus on treatment or victim reparation. The first section of the *Guide* examines these different philosophies, describes their rationales, and provides examples of their implications for program operation.

Decisions about the organizational structure of the restitution program and its relationship to the juvenile court are extremely important. The experiences of juvenile courts throughout the United States show, however, that many alternatives are available and most will work quite well. Some programs are private nonprofits operating under contract with the court; others are specialized units operating within the court or executive branch of government; still others are so completely merged with probation departments that they are identifiable only in terms of the functions performed.

Location of the restitution program within the juvenile justice system is the third fundamental decision discussed in Part I of the *Guide*. Restitution is used for both diversion and postadjudication cases. As a formal disposition, some courts have experimented with "sole sanction" restitution, but most combine it with probation or other sanctions.

Programs usually begin with relatively minor offenders (first- or second-time property offenders, for example), then gradually begin to accept youths who have committed more serious crimes. One of the most encouraging research findings is that youths who have committed serious offenses—robbery, burglary, aggravated assault—do quite well in restitution programs. Chronic offenders also are usually able to complete their restitution without reoffending.



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Part II. Program Models

Most restitution programs handle both monetary and community (work) service restitution orders. Of the restitution programs that participated in the 1985 Program Inventory Survey, more than 70 percent had both components. The combined financial/community service model tends to be accountability-oriented; it often develops extensive employment opportunities in the private sector (for monetary restitution orders) and a wide array of community service work sites.

Victim-offender mediation is an increasingly popular approach, generally used by programs that offer both monetary and community service restitution. A major focus on reconciliation and reparation characterizes this model.

The third model is fundamentally different, in that its emphasis has shifted from offender-oriented accountability to victim-oriented reparations and compensation. This approach concentrates on returning as much compensation to the victim as possible, at the smallest possible cost to the court.

Part III. Implementation of the Restitution Program

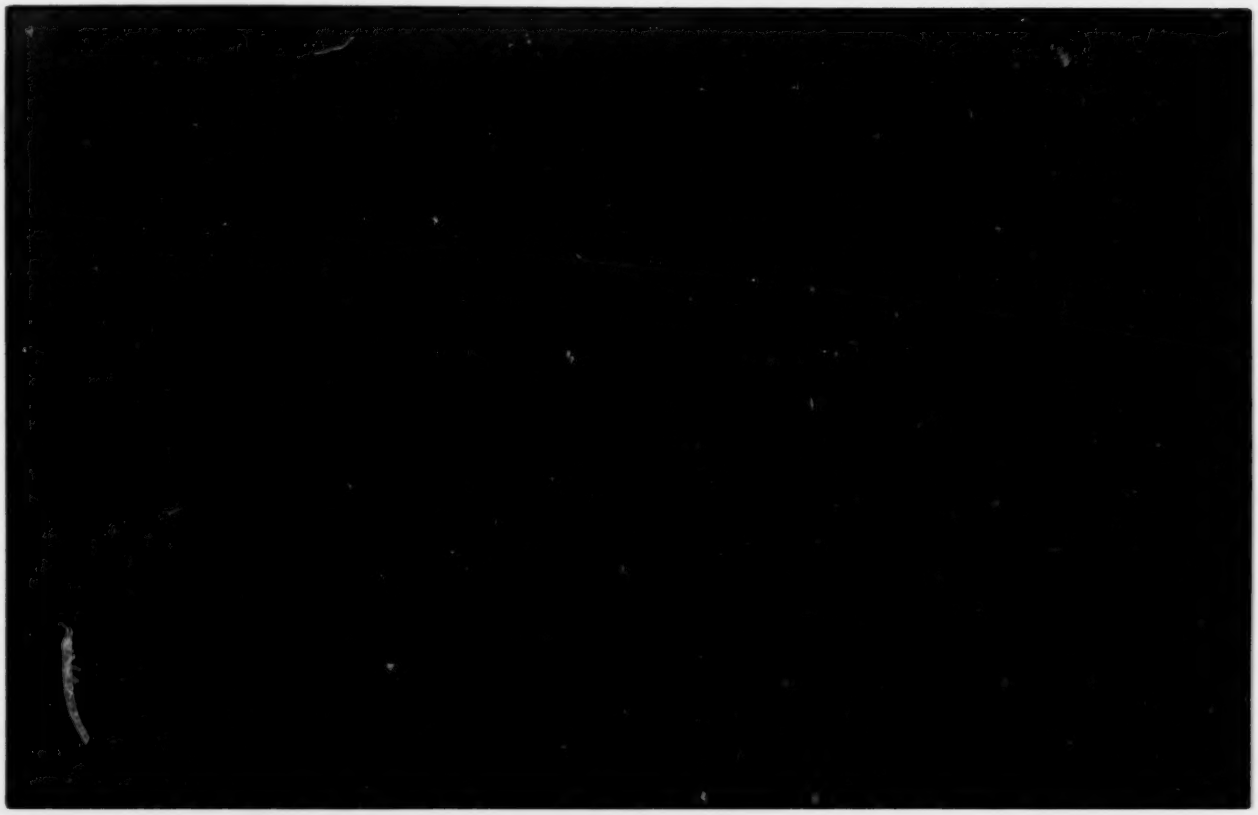
Implementation requires an action plan for dealing with a host of practical issues, including community support, staffing, caseloads, management of restitution payments, use of volunteers, development of a management information system, and preparation of forms and written materials. Here, as in the previous chapter, a number of sample forms, gathered from restitution programs around the Nation, have been provided. Forms generally follow the page on which they are referenced. A checklist for restitution programming that can be used to implement new programs or to diagnose the needs of existing programs is presented in this section, along with suggestions for getting programs started.

Part IV. Management Information Systems and Evaluations

After a program is implemented, it eventually settles into a standard operating procedure that requires continued good management, adequate resources, and the ability to respond when change is needed. All of these, in turn, depend on an adequate management information system and continuing evaluation that serves the informational needs of the program. These topics are covered in Part IV.

Part V. More Information and Resources

The final section of the *Guide* contains an assortment of papers on resources available to restitution programs: summaries of research findings about the effect of restitution, a review of legal issues, a discussion of employment models, information about Federal assistance for restitution, and a bibliography.



Guide to Juvenile Restitution

PLANNING

PART I:
Fundamental Decisions

Goals and Philosophies

Accountability

Is Restitution Punishment?

Treatment Approaches

Victim Reparations

Choosing an Approach

Organizational Choices
- Probation
- Private Organizations
- Court-Operated Units

Restitution and Other Sanctions
- Diversion Restitution
- Postadjudication Restitution
- Restitution, Commitment, and Parole
- Criteria for the Decision

Target Population
- Serious Offenders
- Chronic Offenders

Program Components

The Victim's Role

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RESTTA

PART I

Fundamental Decisions in Restitution Programming

Anne L. Schneider, Policy Sciences Group, Oklahoma State University

Introduction

Restitution programs in the United States are characterized by diversity—even in such fundamental aspects as goals and philosophies, their location within the juvenile justice process, and the characteristics of youths who are taken into the program.

Goals range from victims' rights to accountability, rehabilitation, and even punishment. Some programs operate independently of the juvenile justice system, whereas others are indistinguishable from the probation department. Delinquents range from those accused of their first minor property offense to those convicted of robbery, assault, burglary, larceny, and auto theft. In some juvenile courts, restitution is an infrequently used sanction that has a low priority within the treatment philosophy of the court. In others, the use of restitution marks a change in both the practice and philosophy of juvenile justice.

Fundamental decisions in developing a restitution program both affect the program's environment and guide its overall operations. These decisions are not made frequently; once in place, they may be difficult to change. Thus, this section discusses decisions that are especially critical during the planning and implementation process.

Goals and Philosophies of Restitution

Among the goals most commonly mentioned by restitution programs are:

- Holding juveniles accountable.
- Providing reparation to victims.
- Treating and rehabilitating juveniles.
- Punishing juveniles.

Accountability was given greater weight than the other goals by the restitution programs that responded to the 1984 Program Inventory Survey. Providing services to juveniles and services to victims were given about equal weight; punisning juveniles was considered the least important of the four.

Restitution programs seldom specify a single goal or philosophy and adhere to it rigidly. Instead, most reflect multiple goals but give greater weight to one in particular. Although it may be difficult in some juvenile courts to decide which goals should be given priority, a well-articulated rationale is one of the most important elements of a successful program.

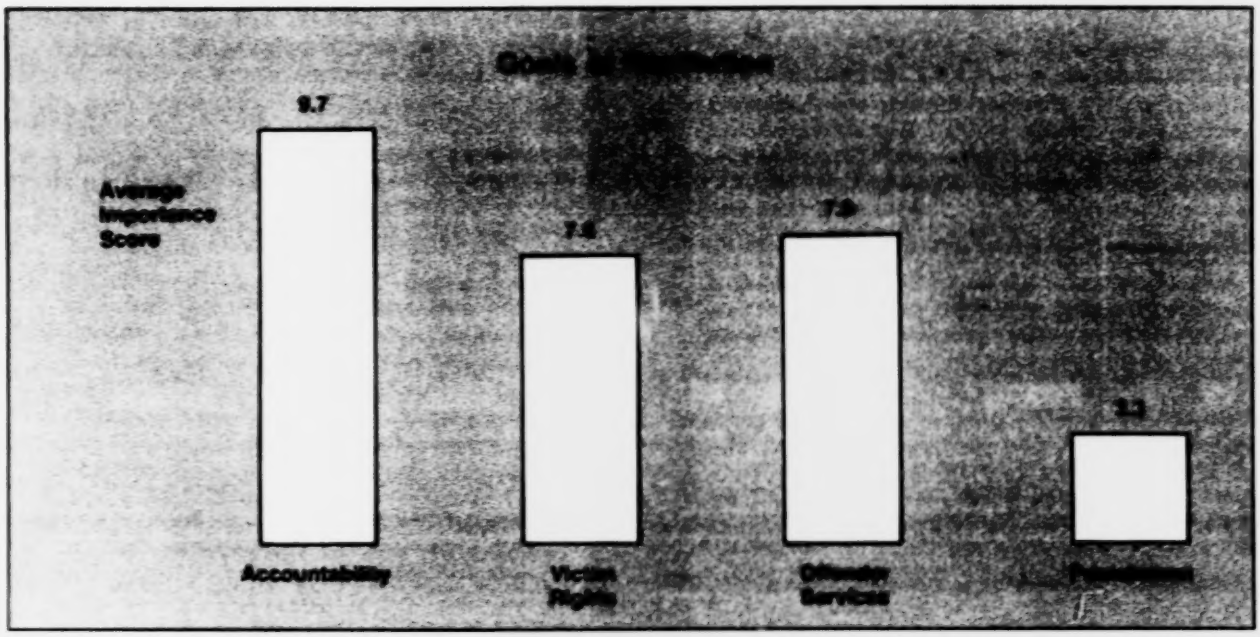
Accountability

Historically, restitution has a fundamentally different philosophical tradition than the rehabilitation-oriented, *parens patriae* perspective that has served as the foundation of the juvenile court during most of its history. Restitution, when approached with the intention of holding juveniles accountable for their crimes, brings something unique to the juvenile justice system. It reflects a shift in thinking about youth; one that emphasizes juveniles' individual responsibility and, therefore, accountability for their actions.

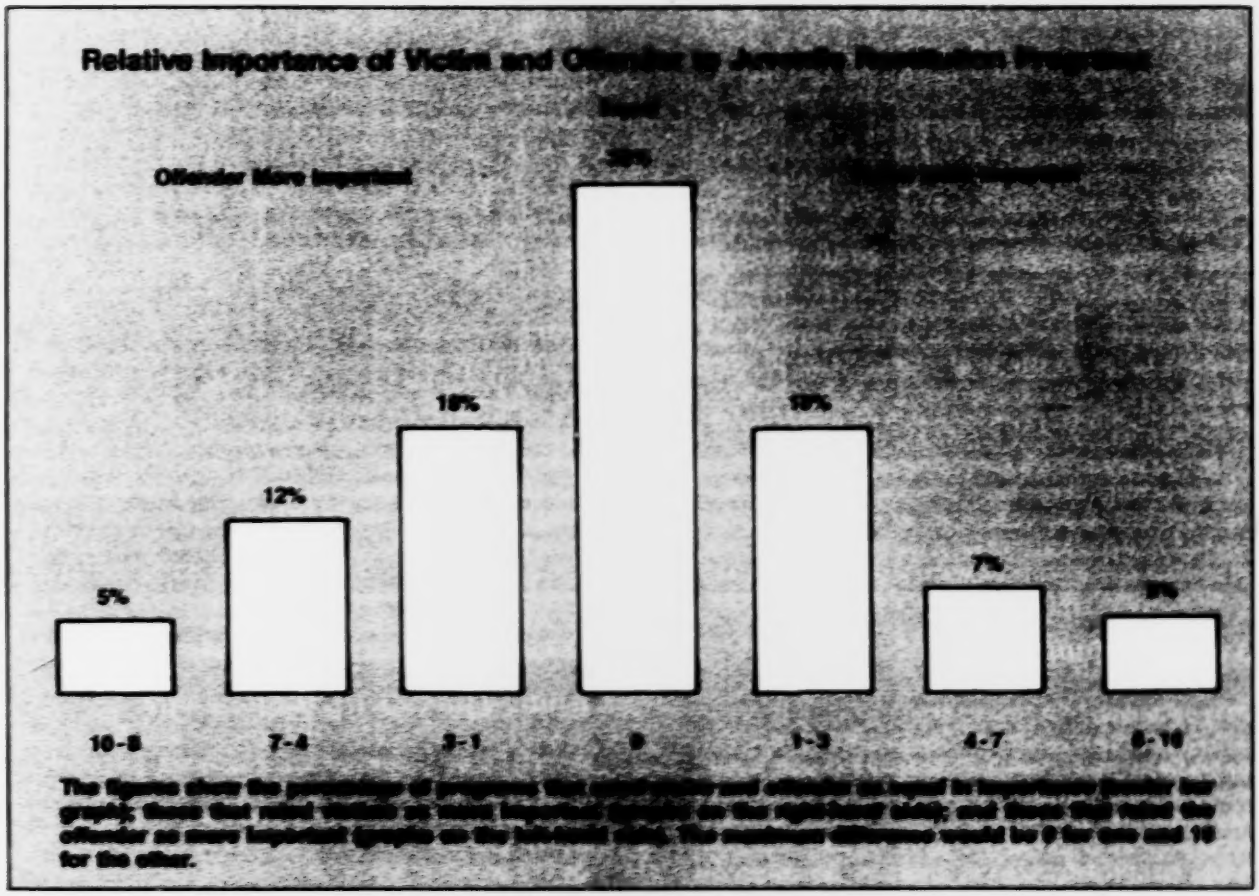
Rationale of Accountability

From this perspective, the juvenile justice system should hold juveniles accountable to the victim in a manner that is proportionate to the harm done and to the youth's level of responsibility for the offense. In other words, the sanction should be in proportion to what the youth actually did.

Holding the youth accountable might have other positive effects, such as reducing recidivism or increasing public confidence in the system. However, the accountability perspective differs fundamentally from both treatment and punishment in that it is viewed as a goal that is worth pursuing even if it achieves no other objectives, such as punishment, rehabilitation, or reduced recidivism. (Interestingly, research results suggest that restitution may be just as effective, or even more effective, than other approaches in reducing recidivism rates.)



Based on 170 responses to the 1984 Program Inventory Survey conducted as part of the RESTTA grant. The response scale ranged from 0 to 10.



From the RESTTA Program Inventory Survey.

Since its inception, the juvenile court has emphasized the offender, not the offense. Restitution changes that: the first response should be based on what the youth did, not on what the youth needs by way of rehabilitative services or treatment. The needs of the youth are important and should be addressed, but this does not diminish the youth's responsibility to make amends for the crime.

Assumptions of Accountability

Holding youths accountable to victims implies both a goal and a philosophy of justice. Several assumptions are built into this approach. For example, those who espouse accountability argue that crimes inflict costs not only upon society but also upon victims. There is a debt; the offender, even though only a youth, should be required to repay that debt—to the victim, to society, or to both.

The concept of proportionality is central to the accountability approach. The sanction (restitution) should be proportionate to the harm the youth inflicted on the victim and the community, tempered only to reflect the diminished responsibility of age or other relevant factors.

The Message of Accountability

In an accountability-oriented restitution program, the message given to the youth is that "you are responsible for what you did." In contrast with treatment approaches, the court is not doing this "for you," and in contrast with punishment, the court is not doing this "to you." Rather, the message is that "you are doing this for the victim."

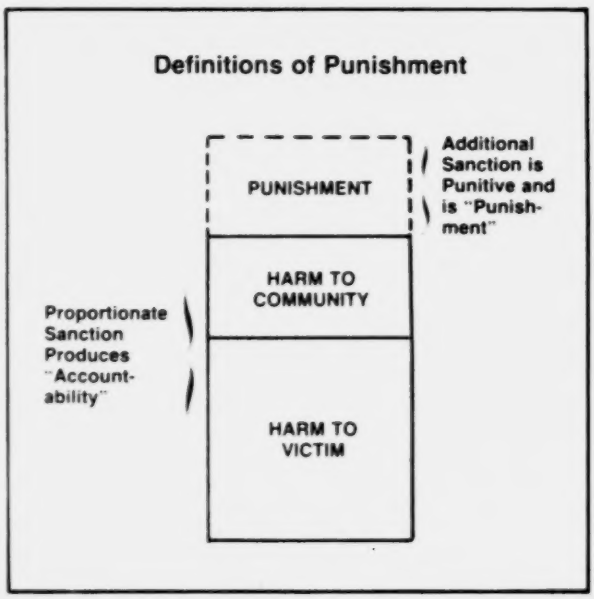
An important implication (and one that is often overlooked) is that restitution—when approached from an accountability perspective—is not treatment and not a service offered to juveniles. It may or may not rehabilitate—its proponents hope that it will—but restitution is considered to be worthwhile on its own merits.

Is Restitution Punishment?

Whether restitution can be considered punishment depends on one's perspective and on the definition of punishment. There are three possibilities:

- From the offender's perspective: Punishment is any requirement that imposes costs, losses, or other inconveniences.
- From the court's perspective: Punishment is any sanction that the judge intends as punishment. Legal and philosophical writings usually use this definition.
- From a proportionality perspective: Punishment is any sanction greater than what was deserved, given the nature of the offense.

The proportionality concept represents an effort to establish a more objective definition of punishment. The harm caused by the crime is considered a debt; the repayment of that debt is not punishment. A reasonable repayment to society for the inconvenience and cost of legal processing also is not viewed as punitive. Any payments or sanctions above and beyond these, however, are punishment.



It can be argued, then, that restitution is not punishment so long as it (plus any other sanctions) is proportionate to the harm done. Alternatively, one could say that restitution is punishment whenever the youth encounters costs that he or she would not otherwise have incurred. The word "punishment" has for many years been virtually removed from the language of juvenile justice professionals, but this is changing rapidly.

Treatment Approaches to Restitution

In contrast with the accountability approach, some restitution programs emphasize treatment and service and place primary importance on rehabilitating juvenile delinquents. This approach is sometimes referred to as the "medical model" of juvenile justice, in which it is assumed that the youths are "sick" and the task of the juvenile court is to make them "well" again.

Rationale of Treatment Approaches

The rationale is quite straightforward: juveniles commit crimes because of certain deficiencies and needs—often arising from social or familial problems—that are beyond the ability of the youth to correct. If the problems can be identified and appropriate services provided, then rehabilitation will occur and recidivism can be avoided.

Thus, in this perspective the appropriate response to juvenile crime is to provide the services most likely to rehabilitate. Other purposes might also be achieved—such as holding the youth accountable or returning payment to victims—but these considerations do not determine the court's disposition.

The Message of Treatment

The message of restitution, from a treatment perspective, is that restitution is "good for you" and will aid in rehabilitation, which is why the court has ordered it. Therefore, the amount and type of restitution may have more to do with the youths' needs than with the type of offense or extent of harm or damage.

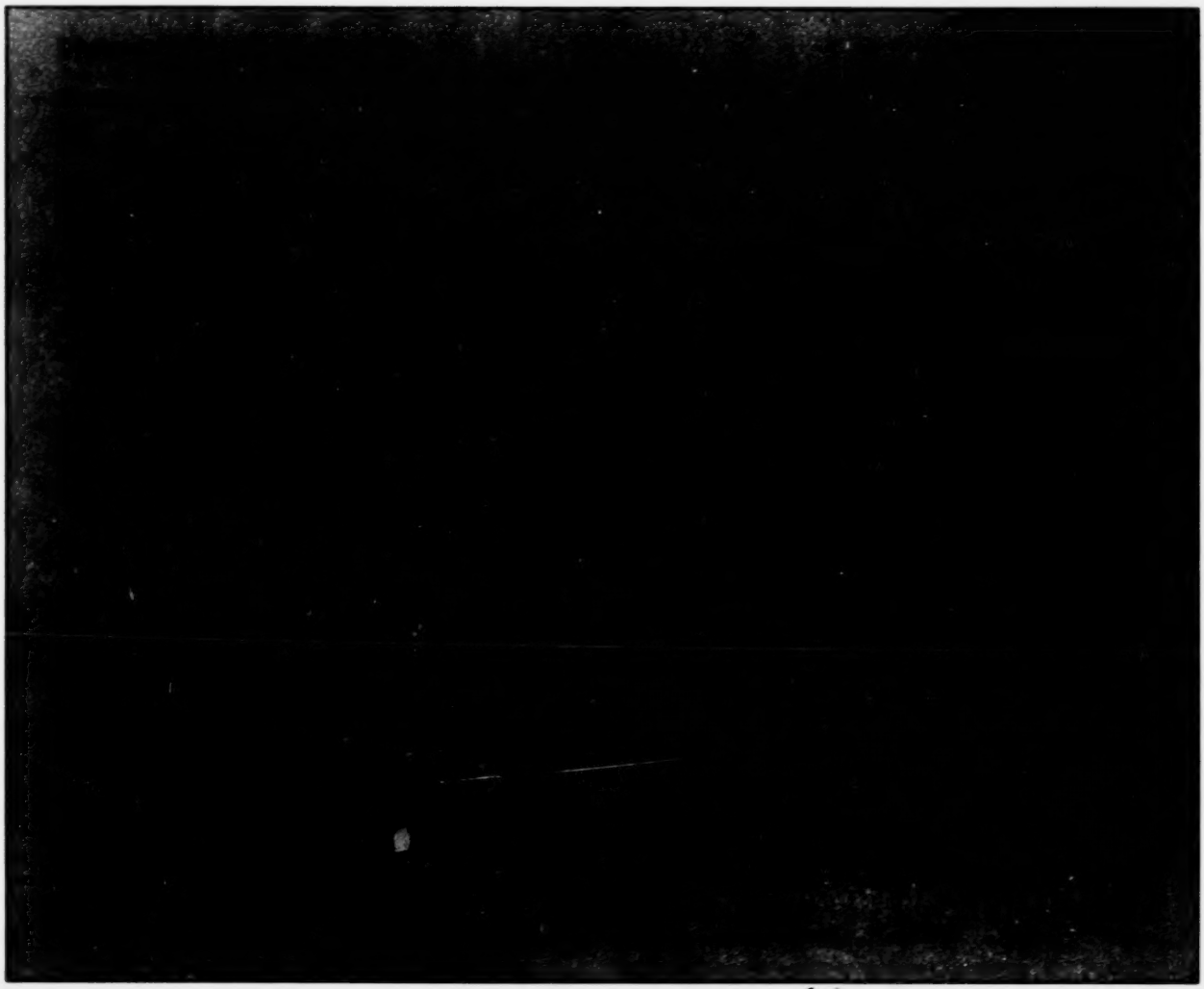
Many restitution programs established during the past decade began with rehabilitation-oriented principles. This is not surprising; for many years the conventional wisdom held that there were only two philosophies of justice worthy of serious consideration: treatment or punishment. Accountability, however, offers a third alternative that can serve as the underlying rationale for juvenile justice. That alternative is consistent with a "justice" model in which the concepts of accountability, responsibility, proportionality, and uniformity are of foremost importance. Learning these values can be therapeutic and may aid in rehabilitation, even though the justice model makes no assumptions about the causes of delinquency.

Victim Rights and Reparations

The primary goal of the victim-oriented approach is to help the victim recover from the losses associated with the offense. Victim programs can, in practice, be very similar to accountability programs; most of the latter view victims and victim rights as extremely important.

Rationale of Victim Approaches

There are, however, some interesting distinctions. The primary responsibility of a victim-oriented program is to



obtain repayment for the victim. Other desired consequences may occur as byproducts of victim reparations, such as holding the youth accountable. A strictly victim-oriented program might not be concerned, however, whether the youth paid the restitution or whether payment came from parents or some other source. The most important goal is to repay the victim; this normally would have priority over holding the youth accountable. On the other hand, many victims like the idea of the child being responsible for "righting the wrong." They feel that such actions mean that justice has been truly served.

Assumptions of Victim Approaches

The philosophical base of the victim approach arises from the victim rights movement rather than from any particular philosophy about what should be done with juvenile offenders. Victim programs emphasize that the court has given too much attention to offenders and not enough to victims.

The key assumption is that victims have certain needs that should be met through the juvenile justice system, or through other publicly funded programs (such as victim compensation programs). One of the fundamental responsibilities of government is to provide protection for its citizens; when that protection is not effective, then the victim should be repaid—by the offender, by society, or by both.

Many victim programs have victim-offender mediation components, which are based on the assumption that a victim is more likely to be fully restored and to recover more quickly if reconciliation with the offender takes place.

The Message of Victim Approaches

Victim programs send a clear message to victims: "the system believes you are important and it intends to help." The message sent to the youth can be rather ambiguous: "someone has to pay but it does not have to be the offender."

Discussion

In practice, victim-oriented approaches have been relatively rare; often, they are not implemented in a particularly effective manner.

Too often, juvenile courts get into the restitution business in an effort to do something for victims, but establish nothing more than a rudimentary bookkeeping operation that collects very little restitution. Successful programs have found that restitution is much more than a matter of making a decision to issue restitution orders.

Victim approaches in the juvenile system differ from accountability models in that the former do not focus as much attention on the offender and the latter do not give as high a priority to victims or to victim-offender mediation.

Choosing an Approach

The approach used by a juvenile justice system will almost never be pure or totally consistent. Mixed models are far more common in practice, because most juvenile justice systems would like to do something for victims *and* hold juveniles accountable *and* help the youth lead a constructive life. An argument can be made that the quickest route to true rehabilitation involves a mixture of approaches and a careful tailoring of a response to an individual youth. Perhaps rehabilitation can best be achieved through a combination of accountability, treatment, and—for some juveniles—punishment.

The choice of a particular approach will be tempered by mixed goals, by the values of the community, and to some extent by the State juvenile code or case law. Nevertheless, the program's basic orientation and its rationale should be articulated so that limited resources can be allocated in accordance with consistent program priorities.

Implications

Several implications stem from the program's basic approach. First, programs that emphasize victim rights or accountability will generally have a larger target population than will treatment programs. In the latter, the tendency is to require restitution only of juveniles for whom this may be a positive, rehabilitative experience, whereas the other two approaches emphasize repayment to victims from virtually all offenders, regardless of how minor the incident might be.

Second, the program components differ enormously from one approach to another.

In a victim-oriented program, for example, it would be unthinkable to require only community service restitution rather than monetary payments, whereas in a treatment program, community service work might be the preferred sanction.

Treatment-oriented programs place heavy emphasis on identifying meaningful work with the potential for continuation after restitution is paid. Victim-oriented programs devote almost no resources to locating permanent, meaningful work for the offender. Accountability programs often develop rotating job slots that are vacated when the restitution is paid, making room for another offender.

Victim programs allocate resources to mediation, victim advocacy, maintaining contacts with victims, assisting in documentation of loss, and other victim services, whereas treatment programs allocate resources to permanent job placement, counseling, educational programs, and so forth.

In the final analysis, the choice of approach depends on the basic values of the community and the court. There is no evidence at this time that one approach "works" any better than another either in terms of victim satisfaction or reduced recidivism rates.

Organizational Choices

An amazing variety of organizational arrangements is found in restitution programs throughout the United States. Some are nonprofits under contract with the court to handle all aspects of any case involving restitution (including probation requirements, if any). There are probation-operated programs, court-operated programs that are "parallel" with probation, and programs in which restitution has virtually replaced other probation requirements.

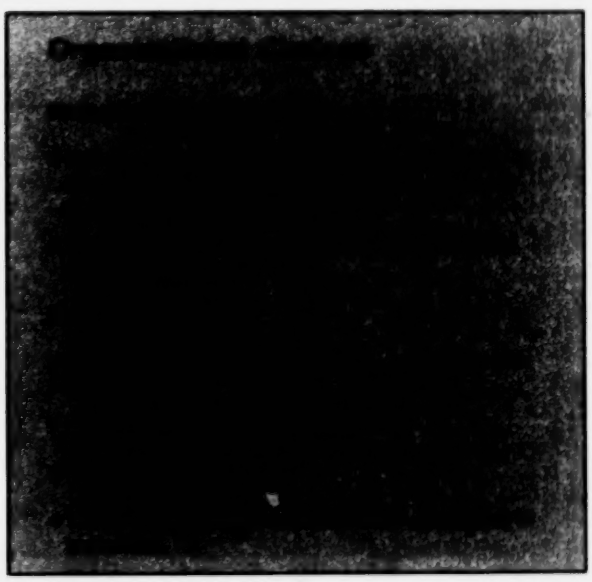
Three arrangements are most common: probation, private, and court-operated.

Probation—In one version of this arrangement, restitution is merged with probation. There may be restitution specialists or service units, but each probation officer handles the restitution requirements for his or her caseload. In another version, the dependent model, the restitution program is a distinct unit within the probation department in which the restitution counselors, who handle the restitution orders, and the head of the program report to the chief probation officer.

Private—Some restitution programs are operated by private, nonprofit organizations under contract either to the court or to a youth services agency within the executive branch.

Court-operated (parallel to probation)—A parallel organizational structure is the term developed for a program that is within the court but separate from and on a dual footing with probation. The head of the restitution program reports directly to the chief judge.

Each of these models has been used successfully, but there are potential pitfalls associated with each.



Probation

In merged units, the restitution requirements are handled by regular probation officers. Some courts, such as the Dallas County, Texas, Juvenile Court, have a specialized restitution unit within the probation department, but probation officers are responsible for implementing and monitoring the restitution orders. The specialized unit is responsible for coordinating all parts of the restitution requirements (locating job placements, staffing difficult cases, maintaining a small work crew, providing training and assistance to probation officers in supervising restitution requirements and to the victim unit in documenting losses).

In contrast, the Quincy, Massachusetts, District Court implemented its "Earn-It" restitution program entirely under the auspices of probation by replacing some of the usual activities of probation officers with restitution-related responsibilities.

This type of organizational arrangement may appear easy to implement, but a host of problems will have to be worked out if the program is to be successful.

Are probation officers expected to handle restitution along with everything else? If so, there may be a demand for increased staff. Alternatively, some programs have reduced supervisory responsibilities or scaled them with guidelines in accordance with the difficulty of the case to provide additional time for implementing restitution orders.

A commitment to the philosophy of restitution is critical to the success of a merged unit. If probation officers view restitution as the least important requirement, it will be given insufficient attention, completion rates will be low, and few of its goals will be achieved. A considerable body of evidence suggests that loosely organized restitution programs operated as a low-priority activity by probation units are not as effective as formally organized programs with specific restitution responsibilities.

Training in many of the new tasks will be essential—documenting victim losses, establishing and maintaining contacts with victims, implementing and supervising restitution orders, working with juveniles and community agencies to find appropriate work sites or placements.

The primary advantage of a probation-operated program is that the initial costs of implementation will be low. In the short run, a court cannot replace probation staff with restitution staff. Hence, the development of a fully funded restitution unit operating separately from probation is expensive.

Dependent units have certain individuals clearly identified as restitution specialists, but operate entirely within the probation department. The director of the restitution program reports to the head of probation. The success of this approach and the types of problems it encounters will depend mainly on the working relationships among the restitution staff, probation staff, and the judge.

There is a risk, in this organizational arrangement, that restitution will play a minor role in the overall approach to delinquency. To minimize this possibility, it may be advisable to ensure that restitution counselors are employed at the same grade level as probation officers.

The responsibilities of the restitution counselors for probation requirements should be specified in advance. For example, juveniles who are on probation and are also ordered to pay restitution could have two caseworkers, or the restitution counselor could be responsible for the probationary requirements as well as restitution.

In a similar manner, the role of the restitution counselor in developing the presentence report needs to be clearly understood. If the restitution recommendation is to be forwarded to the judge with the presentence report, then the counselor must be notified sufficiently in advance of the disposition hearing to document victim loss and prepare the restitution recommendation. If probation officers are responsible for the predisposition recommendations (including restitution), then the counselor may be placed in a relatively weak position, and probation officers may resent the additional burden placed upon them.

Private Organizations

Private nonprofit organizations have been involved with restitution programs in several ways. Some operate the entire program, accepting referrals from the juvenile court on a contractual or "pay for service" basis, whereas others provide specialized services (such as job training or victim-offender mediation) to a publicly funded restitution program.

Private organizations that operate restitution programs have unique problems and opportunities. The most commonly mentioned problem is that program staff are not in regular contact with the court and may be located physically elsewhere. Hence, they must depend on the judge and the probation unit to refer cases. If they are paid on the basis of the number of cases they take, they risk a decline in referrals when money is scarce (since the court could reduce referrals—thereby saving money—either by not ordering restitution or by handling the restitution orders within probation). If these programs are paid on an annual, adjustable basis, case-flow problems can be avoided.

Regardless of how the program is paid by the court, private restitution programs may have to engage in fundraising activities and rely on community support or outside grants. The success of independent programs hinges on the ability of the staff to maintain close contact with the court, to provide regular feedback about the status of cases, and to develop loyal constituencies within the community as well as within the juvenile justice system.

The director of the Covington, Louisiana, program explained that they maintain constant contact with the court to ensure a steady flow of referrals. Other nonprofits, such as the Juvenile Restitution Program in Charleston, South Carolina, take considerable care to issue regular case updates to probation or to provide quarterly statistical reports to the court regarding completion rates and in-program recidivism rates.

Most private organizations operate with a board of directors composed of community leaders and key individuals within the juvenile justice system. This, again, is a mechanism for maintaining support. One private nonprofit has a very large advisory board (more than 30 persons) to assist with fundraising and political support within the community. Smaller boards, however, are more common.

The Victim Offender Reconciliation Project (VORP) strongly urges private, rather than publicly funded programs, on the grounds that private programs will be better suited to maintain their integrity, their philosophy of justice, their neutrality vis-a-vis victims and offenders, and their credibility with the community.

On the other hand, if there is no private organization that can take on this responsibility, or if there are slack resources within the court and no additional revenue for outside contracts, then the program will have to be located within the justice system.

Court-Operated Parallel Units

The establishment of a separate, publicly funded unit with the same status as the probation unit is another organizational model that has been operated successfully.

In Oklahoma County, Oklahoma, for example, restitution responsibilities were assigned to a community liaison unit, which was responsible for coordinating volunteer work. In other courts, restitution was initially the responsibility of a victim services unit operating independently of probation. In Prince George's County, Maryland, the director of the juvenile restitution program reports directly to the judge; probation (the Juvenile Services Administration) is a State executive agency.

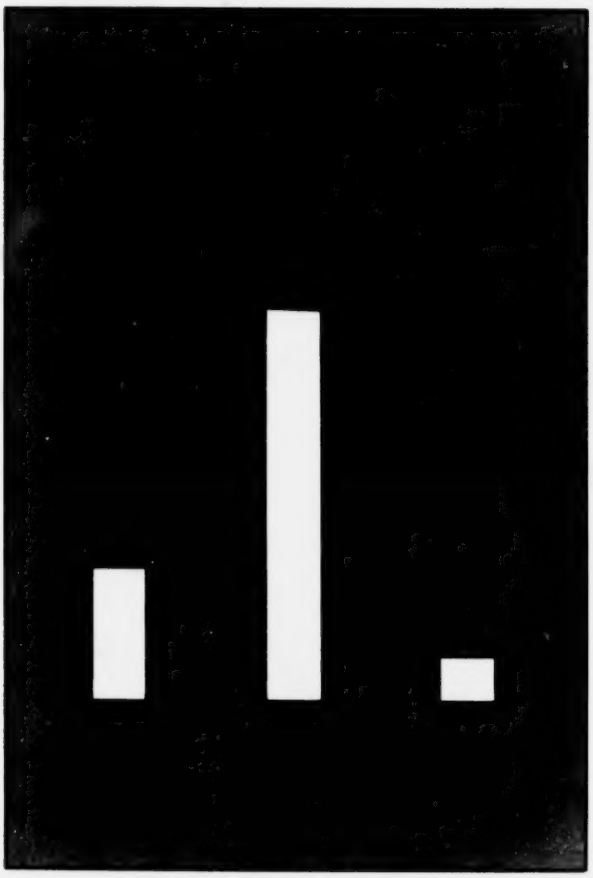
The advantages of having the restitution program report directly to the court are that staff can concentrate exclusively on restitution and not be concerned with counseling, supervising probation requirements, presentence investigation, and so forth. In courts where probation officers are resistant or philosophically opposed to restitution, this arrangement may be essential if restitution is to succeed. The case-flow process and the relationship between the restitution unit and probation should be worked out in advance, however.

A parallel unit may be essential in some situations to give restitution a chance of succeeding, but it also may create problems within the court. By assigning restitution responsibilities to a unit other than probation, the court may be signalling a change in its priorities, which could be viewed as a serious threat to the resources available for probation. The cost of the unit may become an issue; a host of difficult administrative decisions will have to be made regarding eligibility for restitution and whether youths in the program will also have probation officers.

One of the most critical decisions is the assignment of responsibility for initial screening to determine whether or not the case is appropriate for restitution. If the probation unit is responsible for this part of the process, it will be able to control the flow of cases into restitution. If possible, the restitution staff should handle the intake screening and should develop (in conjunction with the judge and the probation unit) explicit criteria governing eligibility.

Restitution and Other Sanctions

Restitution can be used at three points in the legal process: preadjudication (diversion), nonresidential postadjudication (as a sole sanction or as a condition of probation), or in conjunction with commitment to a residential facility.



From the RESTTA Program Inventory Survey

Most restitution programs accept both diverted and adjudicated youngsters. The use of restitution with residential facilities or as a condition of parole is quite rare, but such models do exist (Ventura, California, for example, and the outreach restitution component of the Waterloo, Iowa, program). Changes in State legislation may increase the residential and parole usage substantially over the next several years.

Diversion Restitution

Many restitution programs that responded to the 1984 Program Inventory Survey accept juveniles on a pretrial diversion basis. These cases are referred from police, court magistrates or referees, district attorneys, and court intake units. In some States, such as Washington, requiring restitution as a diversion agreement is mandated in the State juvenile code for all cases involving an outstanding victim loss. In others, restitution for diverted juveniles is permitted under the authority granted to intake officers by the State code.

Jurisdictions that have experimented with preadjudication restitution stress that attention should be given to due-process protection for the youths:

- Cases should be screened for legal sufficiency or probable cause before restitution requirements are considered. In Washington, all diversion cases are screened by the prosecuting attorney before referral to the diversion unit. As an additional protection, most of the local diversion programs in Washington State will not accept referrals unless the youth voluntarily accepts responsibility for the offense. If there is any reluctance, they advise youths to select the formal process as a means of protecting their rights.
- Juveniles who are going to be asked to pay restitution should be advised of their right to counsel at the preadjudicatory conference.
- Juveniles should be advised of their right to a formal court process and of any risks they might be incurring by waiving this right. Signed waivers from the youth and parents should be obtained.
- Juveniles should be permitted to withdraw from the preadjudicatory agreement without penalty and should have the option of returning to the formal process at any time. This stipulation places considerable constraints on the ability of the authorities to enforce informal restitution requirements. Nevertheless, many programs that accept diversion cases will not proceed unless the youth and his or her parents are in agreement about the fairness of the restitution plan.
- Juveniles should be advised of the legal status of the offense for which they are paying restitution (i.e., will it be entered on their record; will it "count" in consideration of dispositions for future offenses; can it be expunged in the same manner as an adjudicated offense?).
- Inability to pay financial restitution should not be used as a reason for filing a petition. All juveniles should have the same opportunity for preadjudicatory restitution regardless of income level.
- The eligibility criteria, enforcement procedures, and criteria for termination should be specific and applied consistently by all probation officers or others who handle the preadjudicatory caseload.

In spite of concerns about due-process problems, there are many advocates of the use of restitution for diverted cases. It holds youths responsible for their acts without bringing the entire juvenile justice process to bear. Some believe that the juvenile justice response to youthful crime is too lenient for the first few offenses (since nothing is done in most instances), then is too harsh when the youth is in trouble one too many times. Restitution is a sanction that can be used for every offense without the stigma associated with a finding of delinquency.

Postadjudication Restitution

Restitution is usually an "add-on" disposition—it is ordered in addition to probation, counseling, fines, or short-term (weekend) detention. An alternative that has been tried with surprising success in a few jurisdictions is called "sole sanction restitution."

Sole sanction restitution refers to a postadjudication disposition in which restitution is the only requirement made of the youth. In some States, there is statutory authority to use restitution as a sanction without placing the youth on probation. In others, the "sole sanction" refers to placing the youth on probation, but not requiring anything except restitution. And, in many jurisdictions, it appears that youths who are fulfilling restitution requirements may not be subjected to as many other interventions by the justice system, even though they are officially on probation.

In a sole sanction approach, restitution replaces the traditional requirements of probation. The role of a probation officer changes from one who counsels and provides services to the youth and family to one who emphasizes compliance with the restitution requirements and making amends to the victim.

The nature of probation work changes from the traditional supervision and counseling responsibilities to a more varied job, requiring work with victims (documenting losses, providing services, acting as an advocate), with the community (locating job slots or arranging community service placements), and with the youth (providing job-seeking skills, monitoring progress, checking with employers). The normal probationary requirements, including curfew, attending school, not associating with certain individuals, weekly or monthly counseling sessions, and so forth are simply not imposed in a sole sanction approach.

The evidence thus far suggests that sole sanction restitution works just as well as when restitution is combined with probationary requirements.

Restitution, Commitment, and Parole

Restitution as a condition of parole is permitted in some States, but there is almost no information about how this might work, and program managers tend to be skeptical about the possibility of success. From the offender's point of view, there are two factors working against a successful restitution experience. One is that he or she, having served time for the offense, is not likely to view the sanction as a proportionate response. If restitution was the fair sentence, then it seems it should have been imposed in lieu of incarceration. The second factor is that restitution requirements may exacerbate the already difficult readjustment experience for the youth.

Restitution as a condition of incarceration, however, or as part of an intensive community-based supervision program, offers interesting possibilities. The Work Release Center in Ventura County, California, is a 24-bed nonsecure facility which accepts juvenile referrals. The youths, mostly serious or chronic offenders, attend school in the morning and look for work or perform community service in the afternoon. Each resident must perform 100 hours of community work or paid employment before being released. The average length of stay is 45 days; the youths receive intensive employment preparation while they are in the program.

Criteria for the Decision

Three criteria to consider when determining how to use restitution in conjunction with other sanctions are: statutory authority, cost, and effectiveness in achieving the goals or mandates of the juvenile justice system.

More than 30 States have specific legislative authority to order restitution; the remaining States have legislation that apparently authorizes its use as a condition of probation. The statutes range from lengthy, explicit provisions such as those in Maryland, Texas, Kansas, and Washington, to simple statements that the court can place the youth on probation and specify the terms and conditions. Washington may be the only State with an explicit mandate to use restitution as a preadjudicatory diversion sanction, but many States provide wide discretionary latitude to intake units, law enforcement officers, and district attorneys in their decisions governing diversion or the filing of charges. Thus, it appears that all States can use restitution as a sanction. Most can order it as a sole sanction or as the sole condition of probation if they choose to do so.

In terms of cost, it is self-evident that when restitution is added onto probationary requirements and when additional staff are hired to run the program, the overall costs to the juvenile justice system are going to increase. If restitution is used as an alternative to incarceration or detention, however, then the true overall costs may not be any higher—perhaps lower—even if both restitution and probation are imposed on the youth.

The least expensive way to implement restitution programs in a local community is to replace some aspects of probation with restitution and utilize existing staff. This may require that probation officers learn different roles, acquire new skills, and reorient their thinking toward accountability and victim rights.

If the local jurisdiction is in a State with probation subsidy programs or other monetary incentives to reduce incarceration of juveniles, then restitution may produce substantial savings if it is used in lieu of commitment. In States that permit local detention, restitution can produce savings if it replaces lockups and expansion of secure facilities.

In considering the cost of restitution programs, it is very important to examine the characteristics of the youths in the program and alternative dispositions. Programs that accept a large number of diverted cases and concentrate on minor offenders may be far less costly, per youth, than those that take serious offenders. This comparison is deceptive, however, because of the enormous expense of incarceration. A restitution program that can serve as an alternative to incarceration (or one that is more effective in preventing recidivism) may be less expensive in the long run than it appears.

Target Population for Restitution Programs

Restitution programs typically begin by taking only the "safest" juvenile offenders—minor property offenders, sometimes even status offenders (for whom it is difficult to develop meaningful restitution orders since there has been no "harm" done). Over time, judges develop confidence in the ability of the program to deal with more serious offenders. One of the most complex issues that will be faced by any program, however, is the definition of an "eligible" client.

Serious Offenders

Programs that take serious offenders face the risk of a repeated serious offense that could damage the credibility of the program. On the other hand, programs that take only minor offenders will not make as much of a contribution to the juvenile justice system, since they will be dealing with a smaller portion of the delinquent population.

Many restitution programs take serious offenders. In the programs funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the late 1970's, murder and rape were excluded, but virtually all other kinds of cases were handled at least in some of the programs. Washington, D.C., for example, took many youths convicted of armed robbery. In the overall Federal initiative, about 3.5 percent of the 17,000 referrals to restitution programs had been convicted of rape, aggravated assault, and robbery—more than 650 youths.

Serious offenders generally do well in restitution programs. In the OJJDP programs, serious offenders were just as likely to complete their restitution requirements as less serious offenders; their 12-month reoffense probabilities were no different.

How Well Do Serious Offenders Do in Restitution Programs?

	Successful Completion (percent)	Reoffense Rate at 12 mo. (percent)
No. of Cases	13,589	15,009
Property Offenses		
Burglaries and arson with loss/damage more than $250	82	14
Burglaries and arson with loss less than $250; other property offenses with losses more than $250	85	14
Burglaries and arson with loss below $10; other property offenses with losses $11 to $250	89	15
Any property offense with losses less than $11 except burglaries and arson	87	15
Personal Offenses		
Rape, armed robbery, aggravated assault; unarmed robbery with losses less than $250	85	18
Unarmed robberies and aggravated assaults with losses less than $250	85	18
Other personal offenses (obstructing an officer, hazing, coercion, threat)	85	16

From the 2-Year Report on the National Evaluation of the Juvenile Restitution Initiative

Chronic Offenders

Chronic offenders—those with many prior offenses—present a different problem. The issue here is not whether the youths will reoffend (many of them will no matter what disposition they receive) but whether it is worth incapacitating them to prevent future offenses for the relatively short period of time that they are incarcerated.

The programs funded by OJJDP accepted many chronic offenders. Almost 10 percent of the referrals had five or more prior offenses at the time they were referred to the program. In contrast with serious offenders, however, chronic offenders performed at a somewhat lower level than youths with few or no prior offenses.

The probability of successful completion for first offenders was 90 percent among the 14,000 or so youths included in the federally funded program; this probability declined gradually to 77 percent for youths with five or more prior offenses. Thus, even though the probability of successfully completing the restitution requirement is lower for the

How Well Do Chronic Offenders Do in Restitution Programs?

No. of Prior Referrals	Successful Completion (percent)	12-Month Recidivism (percent)	No. of Cases
None	90	10	5,936
One	87	13	2,844
Two	84	17	1,614
Three	81	20	976
Four	80	22	578
Five	77	25	352
Six or More	77	24	797

From the 2-Year Report on the National Evaluation of the Juvenile Restitution Initiative

chronic offender, it is not unacceptably low in absolute terms.

The data on reoffense rates show a similar pattern. First offenders had a very low probability of reoffending within 12 months (10 percent); this increased by about 3 percent for each additional prior offense up to three or more and then leveled off.

Program Components

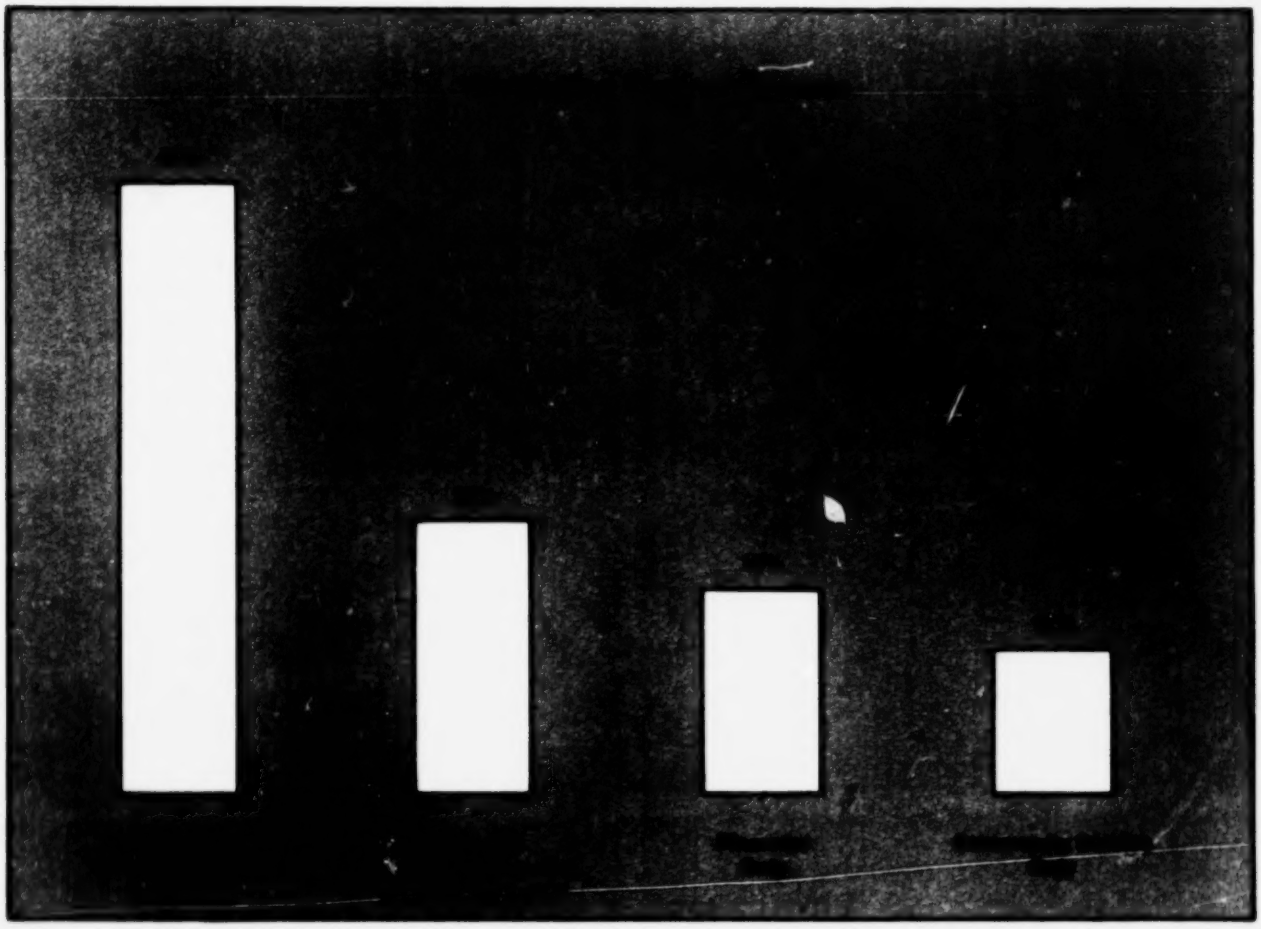
Decisions about program components include which types of restitution to offer (financial restitution, community service restitution, direct victim service) and any other services that are to be offered to the victim or the offender. These decisions are usually guided by the basic philosophy of the program, the level of resources available, and other local factors.

Types of Restitution

Monetary restitution is the most common. Among programs responding to the 1984 RESTTA survey, 77 percent handled monetary restitution orders.

Community service restitution is almost as common as monetary restitution (75 percent of the programs have community service components), and most programs (71 percent) have both types. Community service is used by many juvenile courts for youths who cannot pay financial restitution, for those who are too young, or for those whose offense did not result in any permanent loss. Some courts order community service in addition to monetary restitution as a symbolic gesture of repayment to the community.

Direct service to victims is commonly discussed by jurisdictions in their preplanning phase, but almost always falls by the wayside as programs are implemented. The reasons for this are unclear, although most program professionals attribute it to the basic unwillingness of crime victims to "get involved" with the youth who committed the offense. The amount of time required to persuade victims to accept direct service seems to be excessive. Whatever the reasons, almost no programs are able to place more than 1 or 2 percent of their cases in direct victim service.



Based on responses of 170 programs to the 1984 Program Inventory Survey conducted as part of the RESTTA grant

Services to Juveniles

From a practical point of view, no issue is as troublesome as determining what kind of job assistance or employment program to develop for juvenile offenders who are required to pay financial restitution. Drawing on the experiences of restitution programs that responded to the Program Inventory Survey, there seem to be several popular options:

- Private sector job development. This can take several forms, including arrangement for positions in the private sector or development of rotating positions for program participants.
- Public sector placements. Placements in public sector positions usually involve wholly or partially subsidized work. This is similar to community service work in terms of placements, except that the youths are paid. A variant of this approach is the program-sponsored work crew. These either charge for their services or use subsidies to reimburse the juveniles.
- Job training. Some programs prefer to spend their resources in helping juveniles find their own positions. The emphasis here is on job preparedness, employer expectations, and successful interviewing.

All of these options have been implemented successfully; the decision on which to use depends on employment conditions in the community, resources available to the program, and similar factors.

The Victim's Role

Another critical decision is how the program intends to integrate victims into the restitution process. In many programs, the victims' roles are entirely passive: they are the recipients of an occasional check (often from the court, not the youth) and otherwise have no contact with the program. More innovative approaches that have been developed include:

- Victim-offender mediation—The victim and offender reach agreement on the sanction, and a measure of reconciliation is achieved.
- Accountability boards—Victims present their side of the case to the board, usually composed of volunteers (with some staff assistance). The juveniles present their case, and the board develops the restitution agreement either with or without face-to-face negotiation between victim and offender.
- Entry and/or exit encounters—The juvenile presents the first and last payments directly to the victim.

Restitution programs may, of course, develop other services for victims, including assistance with court procedures, notification letters, and brochures explaining their rights.

Guide to Juvenile Restitution

PLANNING

PART II:
Program Models

Financial and Community Service Restitution
- The Basic Process
- Paid Employment: Placement and Job Training
- Unpaid Employment: Community Work Service
- Liability Issues
- Other Issues

Victim-Offender Mediation
- Fundamental Decisions
- The Basic Process
- Mediation Techniques
- Other Victim Services

Victim Financial Restitution
- Fundamental Decisions
- The Basic Process
- Discussion

PART II

Program Models

Andrew Klein, Quincy, Massachusetts, District Court
Anne L. Schneider, Policy Sciences Group, Oklahoma State University
Gordon Bazemore and Peter R. Schneider, Pacific Institute for Research and Evaluation

Introduction

Juvenile justice systems have developed restitution programs by combining components, philosophies, and processes in literally hundreds of different ways. In practice, restitution programs are not neat, prepackaged combinations of philosophies and operational procedures. Instead, they tend to be formed cafeteria-style, with local jurisdictions mixing and matching the many dimensions of restitution programming to fit their specific needs, resources, and beliefs. Nevertheless, it is possible to identify three different models that differ from one another in terms of their philosophies and in the level of services provided to offenders and victims.

- The Financial and Community Service Model. The most common model is an accountability-oriented approach that offers both community service and monetary restitution. Within this model, there are many variations in the range of employment components and the relative emphasis given to victims and offenders. A balanced approach is sometimes found, but the programs tend to be somewhat more offender-oriented than victim-oriented. Accountability is the most common philosophy, but some examples of this model also emphasize treatment. Examples of the financial and community service model include the Juvenile Restitution Program in Charleston, South Carolina, the Juvenile Restitution Project in Ventura, California, the Oklahoma County, Oklahoma, restitution program, and the Madison, Wisconsin, program.

- Victim-Offender Mediation and Service Model. A second model, which might be called a "full service" approach to restitution, differs from the first in that there is more emphasis on victims and more resources devoted to victim services, but no reduction in the emphasis on offender accountability and employment. These programs not only offer both community service and monetary restitution, but also have victim-offender mediation components and other victim services. Many also have employment components for juveniles. The best-known example of this model is the Earn-It Program in Quincy, Massachusetts, which has community service, monetary restitution, mediation, and a highly developed employment component featuring rotating job slots in the private sector. Other examples include the Dallas, Texas, and the Waterloo, Iowa, programs.

- Victim Financial Restitution Model. The third model is fundamentally different from the first two. It is a scaled-down approach that emphasizes collecting restitution and returning it to victims. Arising out of the victim rights movement and the emphasis on paring back the level of government service and expenditures, these programs focus almost exclusively on the collection and enforcement of restitution orders. A distinctive characteristic of programs in the third model is that they do not implement or monitor restitution orders and do not offer services to either victims or offenders. Another characteristic is that they hold parents liable for the restitution, up to the amount permitted by State law. The Judgment Restitution Program of Prince George's County, Maryland, is the best-known example of this model.

Each of these models is described in the subsequent pages. The basic process of developing, implementing, and enforcing restitution orders is discussed primarily in conjunction with the first model—the financial and community service model. However, the reader should note that both other approaches also involve these activities. Hence, the discussion of case processing will be of interest to all readers.

The discussion of the first model also includes information about employment components and liability issues. A more detailed discussion of employment options is found in Part V.

The second and third models are described in terms of their underlying philosophy, basic processes unique to their approach, and the characteristics that make them distinguishable models. For the second model, this primarily involves a discussion of victim-offender mediation and victim services, since the addition of these to the first model is the primary distinction between the two.

The third model is described in terms of its unique philosophy and its procedures for maintaining high collection rates.

Financial and Community Service Restitution

Monetary and community service restitution are commonly found together in accountability- and treatment-oriented restitution programs. Monetary restitution is generally ordered whenever there is a large victim loss and an identifiable victim to whom payment is due. Community service is usually ordered in cases where there is no outstanding loss or no direct victim—thus, it offers a sanction through which the youth can be held accountable even though financial restitution is inappropriate. Community service also is used by many jurisdictions for juveniles who are too young to obtain a paying job or whose parents make the payment.

The Basic Process

Most programs that offer either community service or financial restitution (or both) identify six case processing steps:

- Eligibility.
- Determining the amount.
- The restitution plan.
- Monitoring.
- Enforcement.
- Case closure.

Eligibility

The stage at which the program accepts defendants (i.e., diversion, postadjudication, postcommitment) will in large part determine the type of offenders to be served. Chronic repeaters or those who commit violent crimes ordinarily are not diverted from court prosecution and therefore will not be available to programs that accept only preadjudicated cases. In contrast, programs that accept postcommitment referrals will choose from among the most serious offenders.

The type of program also influences eligibility decisions. Victim-oriented financial programs, for example, will take all cases in which there is documented financial loss, whereas offender-oriented programs almost always specify offender-based criteria for eligibility. These differ substantially from one program to another, although several common elements are often found in eligibility statements:

- Age.
- Resident of the local jurisdiction.
- Excluded offenses.
- Absence of handicaps, chronic drug/alcohol problems that would prevent employment.
- Family stability and support for the sanction.
- Appropriateness of restitution for the youth.
- Number of prior referrals to the program.
- Type of loss or victim.

A few programs have specific, quantifiable criteria that leave no discretion in the screening decisions. However, most include some subjective factors.

Most restitution programs exclude status offenders because there are no actual, measurable losses from their misbehavior. Some, however, accept status offenders for community service work on the grounds that this is an appropriate disposition for many incorrigible or runaway youths. Similarly, most programs exclude juveniles who have committed the most serious offenses and whose previous record indicates that they would be dangerous to the community.

Because many juvenile offenses do not result in a net loss or do not have a specific victim to be repaid, most accountability programs develop both the community service and the monetary restitution components.

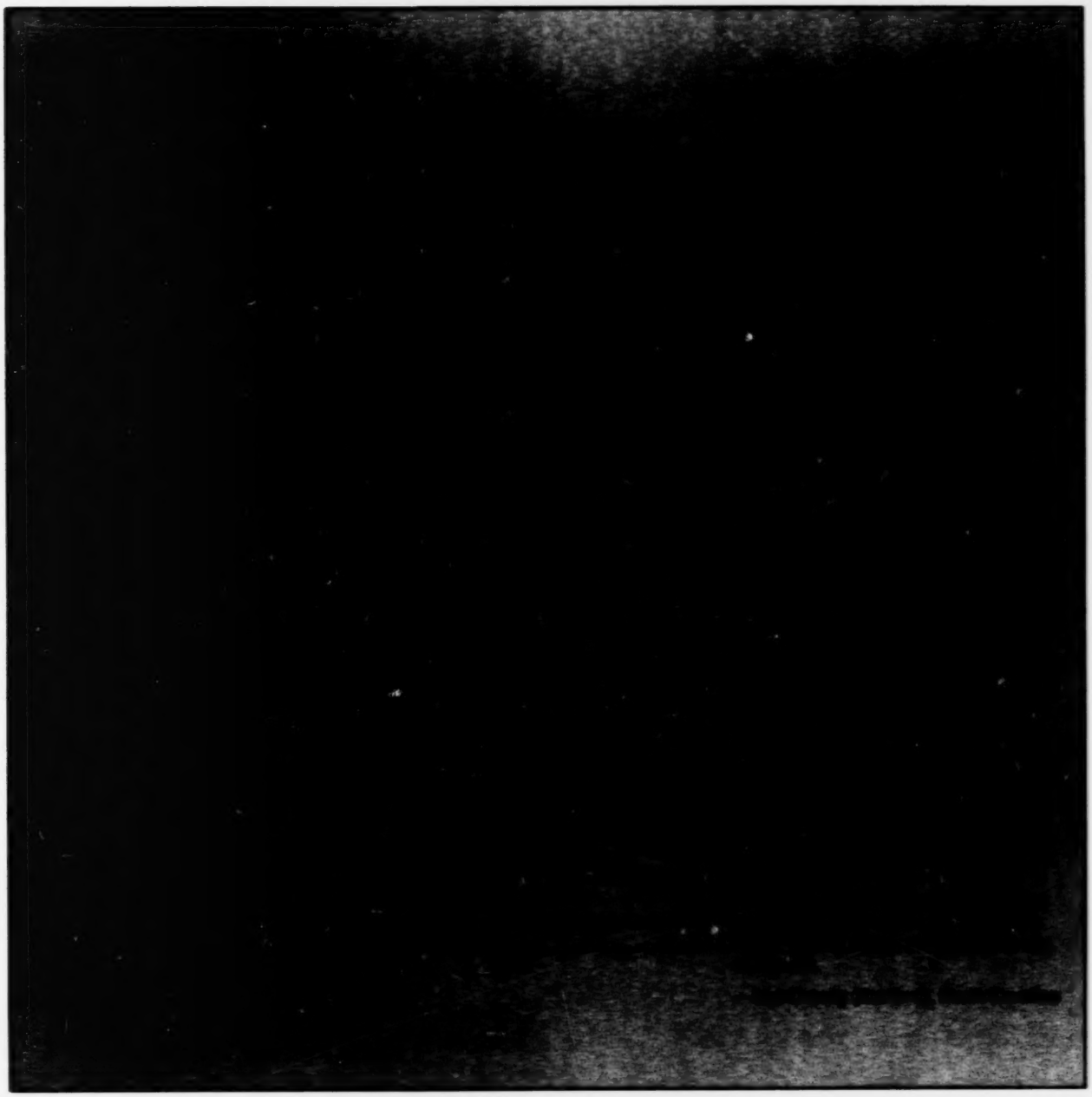
Other programs are most concerned with the appropriateness of the offender as a candidate for either financial restitution

or community service work. Such programs usually exclude handicapped or disabled offenders and may exclude youths with serious drug or alcohol problems.

Other programs require that the youths must have a place to live within the community or that the family situation be conducive to the youths' being able to hold a job. These factors are not intended to discriminate against certain types of youths, but are necessary to protect the placement slots and the relationships the program has developed with public or private agencies. It would be irresponsible for the program to continually place youths in positions from which they will shortly be fired.

Research suggests that the seriousness of an offender's prior record and current offense are not necessarily good predictors of successful program completion. In other words, programs that screen for these factors are excluding offenders who are likely to benefit from participation.

In most monetary and community service restitution programs, there are multiple points at which screening occurs. For adjudicated cases, an initial decision must be made at intake or by the probation officer who is developing the presentence report. The case may then be referred to a restitution or victim specialist to document the loss; this function may



also be handled by the person doing the presentence investigation. A second level of screening occurs after the case goes before the judge who must decide if the youth is suitable for the program.

Finally, many programs can reject referrals from the court as inappropriate, on the ground that the program cannot afford to lose job slots or to place youths who have a high probability of creating trouble with a private business or a public agency. Programs that are unable to reject referrals may find it necessary to develop special work crews for difficult cases and to use existing probation or restitution staff to supervise the most difficult juveniles.

Determining Restitution

Before the restitution plan can be developed, a decision must be made about the type of restitution to be required of the offender. The choices are: money to the actual victim, symbolic restitution in the form of community service, or services performed directly for the victim. The type of restitution depends on the nature of the offense and the characteristics of the victim.

Generally, cash restitution is ordered for direct victims, such as individuals, businesses, government agencies, schools, or churches. On the other hand, when there is no direct victim to be repaid, offenders may be required to perform community service work or to pay their restitution into a victim compensation fund. When the "victim" is an insurance company, the taxpayers, or social service agencies, symbolic restitution in the form of community service work is often used.

Once the victim is identified, actual losses suffered must be assessed. Obviously, the amount of loss can vary tremendously, even when the offenses are similar. Arson, for example, might result in $100 damage to a schoolroom, or spread to the entire school, producing millions of dollars in damages.

Statutory and case laws within individual States may have implications for determining the amount of restitution. Some jurisdictions confer civil-like awards, including punitive damages and "pain and suffering" compensation. Others limit restitution orders to actual losses. Some States do not permit payment to indirect victims, particularly insurance companies. The U.S. Supreme Court has set the boundaries of these sanctions—for juvenile as well as adult cases—by requiring that any restitution must be based upon a defendant's ability to pay. Similarly, some States limit the maximum amount of restitution—in South Carolina, there is a $500 limitation, although this is unusually low. This reflects the concern expressed by many that restitution should not be used to "set kids up for failure."

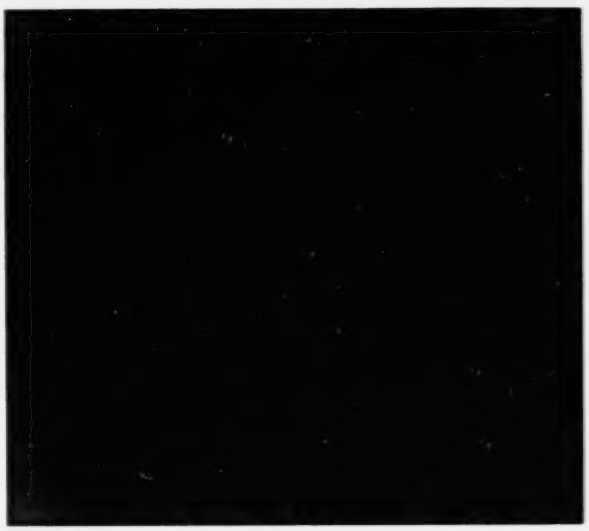
A common statute requires that restitution should not be ordered for youths unable to pay. Washington State law, however, places the burden of proof on the youth; it prohibits full or partial restitution only if the respondent satisfies the court that he or she does not have, and could not reasonably acquire, the means to pay.

Given these limitations, it is not uncommon for restitution orders to cover only partial damages, especially when losses are extremely high.

An important consideration is not to require so much restitution that the juvenile will pay nothing at all. Existing research from the National Juvenile Restitution Evaluation indicates that successful completion rates declined as the amounts increased, but that completion rates stayed relatively high (above 75 percent) for amounts up to $600.

Determining the Amount

Three methods have been used by programs to determine restitution amounts. The first uses a judge's (or fact finder's) determination, based on the direct testimony of the parties involved, the police report, and any other information introduced at the hearing. This precludes conducting any additional investigations. On the other hand, some of the parties, especially the victim, may not be present at the hearing. The judge may be unable to determine the appropriate amount, since the value of items is often more a matter of perception than of replacement costs or actual market value.



The second method involves victim documentation of the loss, in a manner much like filing an insurance claim. Many programs use this approach; they require that the victims submit a form showing the items, their value, and the method for estimating the value (insurance estimate, replacement value, market value, etc.). Some require that the form be notarized or independently documented by a second party.

Some programs report, however, that victim impact statements and other correspondence mailed to victims are often not understood. Thus, this step greatly reduces the number of restitution orders and the amount of restitution repaid, since many victims do not submit claims. Unless the program has the resources to contact victims and assist them in documenting the loss, many otherwise eligible victims will not receive restitution (see sample forms).

Letter to a Victim, Waterloo, Iowa

Juvenile Court Services

BLACK HAWK COUNTY — BUCHANAN COUNTY GRUNDY COUNTY
P O Box 1468
312 East 6th Street
WATERLOO, IOWA 50704
Phone (319) 291-2506

RE: Restitution

This letter is in regard to restitution for damages brought about in the

which occurred on

If the offense is provable, our office will recommend reimbursement in your behalf. What we need is sufficient evidence of damages. Please fill out the enclosed restitution report. When the form has been completed, it should be signed and notarized on the backside. You may bring the form to Juvenile Court Services to get it notarized at no cost to you. Attach all supporting documentation to the report and return the information to Juvenile Court Services. If no restitution is involved, please write "none" on the form and return the form with any additional comments.

This information is needed immediately. If we do not receive it before

without an explanation of delay, our office cannot act in your behalf. You will have to take up the matter in Small Claims Court for reimbursement of your loss.

Please cooperate with us in this matter. We think it is important that juveniles be made responsible for their actions. Also, we feel victims should be reimbursed for their misfortune.

Sincerely,

Kathy L. Thompson
Restitution Assistant

Enclosure

Letter to an Insurance Company, Waterloo, Iowa

Juvenile Court Services

BLACK HAWK COUNTY — BUCHANAN COUNTY — GRUNDY COUNTY
P. O. Box 1468
312 East 6th Street
WATERLOO, IOWA 50704
Phone (319) 291-2506

RE: Restitution

Your insured has notified us that you have covered a part or all of the above named loss. We are requesting your assistance in providing additional information to substantiate these damages. What we need are copies of your worksheet, draft, and any bills. Please indicate any deductable or any credits made for salvage of recovered property.

We need this information as soon as possible. If it is not received within two weeks, without an explanation of delay, our office cannot act in your insured's behalf. The matter would then have to be pursued through Small Claims Court for reimbursement of the loss.

It is our office's policy to pursue the total amount of restitution necessary, including any paid by your company. Upon collecting the restitution, the total amount will be sent to the insured with a letter of notification to your company.

Your cooperation in this process is greatly appreciated. We believe it is important for juveniles to be held responsible for their actions. We also believe victims should be reimbursed for their misfortune.

Please feel free to contact me if you have any questions in this matter.

Sincerely,

Kathy L. Thompson
Restitution Assistant

Victim Loss Documentation, Waterloo, Iowa

Juvenile Court Services

BLACK HAWK COUNTY — BUCHANAN COUNTY — GRUNDY COUNTY
P. O. Box 1468
312 East 6th Street
WATERLOO, IOWA 50704
Phone (319) 291-2506

Restitution Report

VICTIM: ADDRESS:

TELEPHONE:

DATE & TYPE OF OFFENSE:

Please list the damages and the itemized cost per damage caused by the incident. Attach all supporting documentation to this sheet to verify the lostt and the cost.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

If the loss was covered by insurance, complete the following. If the loss was not covered, write "NONE" in the blank.

INSURANCE CO. NAME: _____
ADDRESS: _____
ADJUSTOR's NAME: _____
TELEPHONE: _____
THE AMOUNT OF YOUR DEDUCTIBLE: _____
ADDITIONAL INFORMATION: _____
_____
_____
_____

Victim Loss Documentation, Ventura County, California

VENTURA COUNTY

California

Victim Loss Statement

Please complete this form and return it to the Ventura County Corrections Services Agency.

Victim: _____ (Your name)

Address: _____

Phone Numbers: _____ Home/Work

Juvenile Offender:

Name: _____

Case Number: _____

Please list property taken or damaged or the type of injuries you have sustained. Where possible, enclose bills, receipts or estimates. List only property you believe has not been recovered. Do not list property being temporarily held as evidence by police. If you need more space, use the back or an additional sheet of paper.

Property Loss

Items	Purchase Date	Purchase Price	Replace-ment	Amount Reimbursed by Insurance

Damages/Injuries

Type	Repair/Treatment Costs	Amount Reimbursed by Insurance

Insurance

If you have filed or intend to file a loss claim with your insurance company, please complete the following:

Insurance Company Name: _____ Phone: _____

Address: _____ Policy Number: _____

Amount of Insurance Policy Deductible: _____

I declare the foregoing true and correct.

_____

Signature of Victim

The third method involves direct negotiations between the victim and offender to reach agreement on the loss. These meetings are generally conducted by a trained mediator. Most program managers who have used this method find tremendous benefits beyond the simple determination of restitution—including greater victim satisfaction, less rationalization of the crime on the part of the defendant, higher completion rates, and lower recidivism rates.

Victim-offender mediation also encourages restitution agreements, involving direct services provided by the offender for the victim, such as repair of damaged property or other equivalent service. Although most programs shy away from direct victim service, any offender able to perform community service work is capable of performing victim service. There is a need for additional research and information on techniques that will increase the extent of direct victim service.

Determining Community Service Work Amounts

Developing a community service work plan or order is generally based not on victim loss, but on the seriousness of the offense.

Two methods are generally used to assess community service. The first uses a grid which is established by the program to determine the number of hours to be performed. Some grids—such as the one developed by Charleston, South Carolina, and subsequently adopted and expanded by the State—assign hours in accordance with the seriousness of the offense or the number of prior offenses. The Washington State grid assigns hours based on the youth's age, seriousness of the immediate offense, number of prior offenses, when prior offenses were committed, and seriousness of the prior offenses.

In Covington, Louisiana, the grid provides for different numbers of hours for the same offense, depending on whether the case is diverted or adjudicated.

The Dallas, Texas, grid establishes a range of community service hours, based on seriousness of the offense, and deducts hours from these amounts if the youth is in school, has a job, is involved in extracurricular activities, or has no prior record.

In practice, programs generally use these grids to develop a recommendation for the judge, who then orders the amount of community service he or she feels is appropriate (see sample forms).

The second method of determining community service hours involves equating work hours to monetary sanctions, or jail times. Many jurisdictions have adopted the equation that 1 day in jail is equivalent to a $25 fine, which is equivalent to 8 hours of community service. Others convert detention days to community service at the prevailing minimum wage.

One final issue regarding the amount of restitution pertains to the authority of the probation department and the court to determine the amount. Some judges order restitution without specifying the amount (pending investigation to document the loss). In effect, this may leave the determination up to probation—a situation that legal specialists find highly unsatisfactory. A better procedure, which avoids charges that a judgment is arbitrary and capricious or does not have the full sanction of the court, is to have the recommendation developed in advance; if the amounts have not been finalized by the disposition hearing, the court should have a post-disposition review of the order.

The Restitution Plan

The restitution plan is developed after the amount has been specified and the referral accepted by the program. This process almost always involves the youth, a restitution counselor or probation officer, and (in some sites) the youth's parents. Parental involvement is generally required for pre-adjudicated cases (see sample form).

Many programs view the plan as a contract between the youth and the program, which includes a schedule of activities for those who do not have work (e.g., attending a job-search seminar), a payment plan for those who have a job or who have some resources, and any other activities associated with the restitution requirements.

If the order involves community service work, the youth must be placed in a public service agency (or find his or her own placement—which may be with a public or nonprofit agency). If it involves monetary restitution, the youth may need assistance in finding employment.

Some programs permit parents to pay the restitution or permit the youth to pay from savings. Lump sum payments are preferred by the more victim-oriented programs, even if this requires that the youth take out a loan (cosigned by the parents).

Other programs permit the parents to pay, but require that the youth repay them. A few—such as the program in Prince George's County, Maryland—specifically hold the parents liable and are not concerned with whether or not the juvenile repays the parents. (This model, called the Victim Financial Model, is discussed later in this section.)

Paid or unpaid work keeps the offender constructively occupied within the community. For this reason, many programs rely on restitution and community service orders to form the heart of any intensive probation supervision scheme.

Monitoring

Monitoring restitution orders is simplified considerably if the program uses uniform payment plans or work schedules. If the order is simply that $100 shall be paid by case termination in 1 year, for example, too many offenders will wait 364 days and then be unable to come up with the amount.

Particularly if the offender is intent upon testing the program, an immediate response to a violation may prevent a subsequent long-term failure. As payments are incremental,

Community Service Work Hours, Covington, Louisiana

Covington, Louisiana

Community Service Matrix

HOUR CRITERIA

The hours are determined based on the following table:

Offense	Informal Adjustment Agreement	Court Referred
Simple Battery	-	30
Simple Assault	-	25
Simple Damage to Property	-	20
Criminal Mischief	10	20
Simple Burglary	-	40 + 20 for each additional count
Criminal Trespass	10	20
Simple Robbery	-	100
Theft--less than $100	10	20
$100-$500	-	30
More than $500	-	40
Unauthorized use of a Moveable	15	25
Receiving Stolen Things--		
less than $100	10	20
$100-$500	-	30
More than $500	-	40
Forgery	15	25
Illegal Carrying of a Weapon	-	50
D.W.I.	50	50
Disturbing the Peace	15	15
Resisting an Officer	10	10
Simple Escape	10	10

Community Service Work Hours, Dallas County, Texas

Dallas County
JUVENILE DEPARTMENT

Community Service Restitution
Behavior Grid

Assignment of CSR hours	Minimum community service (24-50 hours)	Moderate community service (51-100 hours)	Maximum community service (101-150 hours)
Maximum assigned	50 hours	100 hours	150 hours
In school full-time	-4 hours	-5 hours	-5 hours
Working	-4 hours	-5 hours	-10 hours
Extra-curricular activities-- includes sports, counseling, etc.	-4 hours	-5 hours	-5 hours
No prior record	-4 hours	-10 hours	-15 hours
All of the above	-4 hours	-5 hours	-10 hours
Total CSR hours			

This behavior grid has been developed to help determine the number of Community Service Restitution hours appropriate for each client. The Probation Officer is instructed to start with the appropriate maximum number of hours and subtract hours for exhibited positive behavior:

a) Minimum Community Service should be used for youth on informal adjustment or 6-month probation.

b) Moderate Community Service should be used for youth ages 10 to 14 years on 1-year probation.

c) Maximum Community Service should be used for youth ages 15 to 17 years on 1-year probation or suspended commitment.

Community Service Work Hours, Columbia, South Carolina

Youth Services
P.O. Box 7367/Columbia, S.C. 29202
Telephone (803) 758-3610

RESTITUTION
Recommended Hours by Offense

		ACRONYM	1ST	2ND	3RD
01000	**ACTS AGAINST PERSONS**				
01025	Attempted Robbery	ATTROB	60-100	70-110	80-120
01026	Attempted Robbery (Armed)	ATAROB	80-120	90-130	100-140
01030	Blackmail or Extortion	BLMAIL	40- 80	50- 90	60-100
01032	Breach of Trust with Fraudulent Intent	BREACH	20- 50	30- 60	40- 70
01161	Criminal Sexual Conduct, 2nd Degree (with Aggravated Coercion)	SEXCO2	60-100	70-110	80-120
01162	Criminal Sexual Conduct, 3rd Degree (with Force or Coercion or Victim Mentally Incapacitated)	SEXCO3	50- 90	60-100	70-110
01901	Other Acts Against Persons	OTHPER	1-160	1-160	1-160
02000	**ACTS AGAINST PROPERTY**				
02007	Arson	ARSON	60-100	70-110	80-120
02019	Attempted Buglary	ATTBUR	60- 90	70-100	80-110
02021	Attempted Forgery	ATTFOR	30- 70	40- 80	50- 90
02024	Attempted Grand Larceny	ATTGLY	30- 60	40- 70	50- 80
02039	Burglary	BURGLY	50- 90	60-100	70-110
02041	Burning Building not Subject to Arson	BURBLG	30- 70	40- 80	50- 90
02060	Entering with or Breaking with Criminal Intent	BRK&EN	30- 70	40- 80	50- 90
02070	Forgery	FORGER	30- 60	40- 70	50- 80
02073	Fraudulent Use of Credit Cards	FRDCRC	30- 60	40- 70	50- 80
02098	Larceny (Grand)	GRDLAR	30- 70	40- 80	50- 90
02119	Obtaining Money or Property Under False Pretenses	FALSEP	30- 60	40- 70	50- 80
02129	Purse Snatching	PURSES	50- 90	60-100	70-110
02141	Safecracking	SAFECR	60-100	70-110	80-120
02172	Attempted Housebreaking (Dwelling in Day)	ATTHBD	30- 70	40- 80	50- 90
02173	Attempted Housebreaking (Other Building)	ATTHBO	30- 70	40- 80	50- 90
02202	Fraudulent Use of Checks - 1st	FRDCK1	30- 60		
02203	Fraudulent Use of Checks - 2nd	FRDCK2		40- 70	
02204	Fraudulent Use of Checks - 3rd and above	FRDCK3			50- 80
02206	Housebreaking (Dwelling in Day)	HOUBKD	40- 80	50- 90	60-100
02207	Housebreaking (Other Building)	HOUBKO	50- 90	60-100	70-110
02208	Housebreaking and Grand Larceny (Dwelling in Day)	HB&GLD	60-100	70-110	80-120
02209	Housebreaking and Grand Larceny (Other Building)	HB&GLO	60-100	70-110	80-120
02222	Shoplifting - 1st	SHPLF1	20- 40		
02223	Shoplifting - 2nd	SHPLF2		30- 50	
02224	Shoplifting - 3rd and above	SHPLF3			40- 60

		ACRONYM	1ST	2ND	3RD
05000	**OTHER OFFENSES**				
05006	Directing or Encouraging Others to Acts of Force or Violence	ENCORV	50-100	60-110	70-120
05007	Wearing Masks or Other Disguises	MASKS	20- 60	30- 70	40- 80
05008	Illegal Use of Stink Bombs and Similar Devices	MUSDEV	20- 50	30- 60	40- 70
05009	Entering Public Building for Purpose of Destroying Property	ATTDES	30- 70	40- 80	50- 90
05012	Damaging Property By Means of Explosive or Incendiary	DAMPE	60-110	70-120	80-130
05013	Injury or Destruction of Buildings or Crops by Tenant - Misdemeanor Discretion of Court	TENDFS	30- 70	40- 80	50- 90
05014	Entering Premises After Warning or Refusing to Leave on Request	FALVAC	30- 60	40- 70	50- 80
05015	Unlawful Entry Into Enclosed Places	UNLENT	30- 60	40- 70	50- 80
05019	Petty Larceny	PETLAR	20- 50	30- 60	40- 70
05020	Exhibiting Indecent or Obscene Pictures	OBSPIC	20- 60	30- 70	40- 80
05021	Disturbing Schools	DISTSL	20- 60	30- 70	40- 80
05022	Public Disorderly Conduct	PUBDIS	20- 50	30- 60	40- 70
05023	Interference With Fire and Police Alarm Boxes	INTFAL	40 -90	50-100	60-110
05025	Unlawful Games and Betting	UNGABT	20- 50	30- 60	40- 70
05027	Driving Under Influence of Alcohol and/or Drugs - 1st Offense	DUI 1	30- 60		
05028	Driving Under Suspension - 1st Offense	DUSUS1	30- 60		
05029	Reckless Driving	REKDR	30- 70	40- 80	50- 90
05031	Simple Assault	SIMASL	20- 60	30- 70	40- 80
	Ungovernable Behavior		1- 40	1- 50	1- 60
	Truancy		1- 40	1- 50	1- 60

BEST COPY AVAILABLE

Restitution Agreement, Washington, D.C.

Superior Court of the District of Columbia

Social Services Division — Family Branch

Restitution Agreement
Juvenile Community Service Program

Superior Court of the District of Columbia
Social Services Division--Family Branch

I, _____, agree to participate in the Juvenile Restitution Program. I agree to all the requirements listed below under the checked paragraphs:

DIRECT SERVICE TO VICTIM. _____ was a victim of this offense. I will work directly for him her for a total of _____ hours in the following manner:

MONEY RESTITUTION. As a result of my offense _____ suffered monetary damages. I agree to repay him her for the total sum of $ _____, to be paid in the following manner:

COMMUNITY SERVICE. I agree to pay the community for my offense by performing _____ hours of community service. I will perform this service in the following manner:

_____
_____
_____
_____
_____
_____

I agree that this agreement will become a condition of my probation and I further recognize that if I break this agreement, the Social Services Division may request that the Court revoke my probation and commit me to the Department of Human Services. I also recognize that I must fulfill other conditions in order to participate on probation in the Restitution Program. These conditions are:

_____
_____
_____
_____

PROBATIONER'S SIGNATURE: DATE:

ATTORNEY FOR DEFENDANT: DIVISION OF SOCIAL SERVICES:

COMMUNITY WORKER: VICTIM:

CORPORATION COUNSEL: MEDIATOR:

most courts find it appropriate to pay victims incrementally. This not only allows the victim to know that he or she is not forgotten, but emphasizes that the defendant is actually working on a weekly basis to repay the victim.

A critical aspect of monitoring community service is establishing a consistent set of expectations for the youth and for supervisors at the work sites. The South Carolina program originally developed in Charleston, for example, terminates youths from the program if they are absent three times from their work site without a valid excuse or if they fail to call in advance to obtain an excused absence (see sample form).

Enforcement

In enforcing restitution orders, the court must determine whether the defendant was unwilling or unable to complete the order. If the latter, the program must assist the offender in acquiring the skills to meet the order. Failing this, the program returns the defendant to the court as an inappropriate referral.

If, however, the defendant was unwilling to complete his or her restitution order, the court must provide suitable incentives for compliance and disincentives for failure to comply.

Possible incentives include early case dismissal, allowing the defendant to keep a portion of his or her earnings, and simple praise for accomplishments. Disincentives include additional work orders, interest tacked on existing restitution arrearages, and probation revocation.

One judge in Quincy, Massachusetts, calls this system of sanction "Tourniquet Sentencing." Another judge in Nevada calls the same sentencing policy "Progressive Discomfiture."

The theory of Tourniquet Sentencing is based on gradually increasing the penalties for noncompliance. Judges should avoid setting the defendant up for failure and revoking the sentence on an all-or-nothing basis. If a defendant fails to pay restitution, for example, the amount might be increased through the addition of interest. If he or she fails again, the defendant might be sentenced to a weekend in detention. Another failure and the remaining suspended sentence could be revoked, but the defendant might be allowed to motion the court to "Revise and Revoke" after a suitable period of time by agreeing to adhere to the payment plan again.

Case Closure

Ritual and ceremony are very important in human affairs; many programs have developed effective rituals for closing a restitution case.

If the case closes successfully, many programs provide that the offender will personally present the final check to the victim, or mail a letter of apology with the final check. For many defendants, the completion of the restitution order may be one of the few things at which they have ever succeeded, and thus deserves positive reinforcement. Some community service programs provide the youths with a certificate of appreciation for their contribution to the community. Letters of recommendation from employers or supervisors may be given when youths complete their requirements.

On the other hand, if the defendant fails to pay monetary restitution to the victim, and the case must be closed, part of the case closure process should be notification and explanation to the victim.

The manner in which the case is closed may go a long way toward shaping both the defendant's and the victim's interpretation of the entire restitution experience.

Paid Employment: Placement and Job Training

Monetary restitution programs rise or fall depending on their ability to extract money from indigent offenders. Consequently, many develop structured employment components to help juveniles obtain work.

Restitution Program Rules, Columbia, South Carolina

Youth Services
P.O. Box 7367/Columbia, S.C. 29202
Telephone (803) 758-3810

JUVENILE RESTITUTION PROGRAM

RULES

1. Attend all scheduled JRP appointments and job skills training sessions.

2. Provide weekly written documentation of job search.

3. Arrive for work on time, according to the agreed upon schedule.

4. Follow all work rules listed below:
   a. Perform all duties assigned and follow directions given by the work site supervisor.
   b. Arrive promptly and be ready to work.
   c. Dress appropriately for the job.
   d. Never leave the work site without the permission of the supervisor.
   e. No visitors during working hours.
   f. Notify the supervisor prior to any tardy or absence.

5. Do not commit another offense.

TERMINATION CRITERIA

1. Failure to obtain employment within three months from the date of intake will result in a review of case status and possible unsuccessful termination.

2. After obtaining a job, more than two unexcused absences or three unexcused tardies for community service restitution clients or more than two unauthorized mispayments to the Clerk of Court for financial restitution clients, will result in unsuccessful termination.

3. Being fired from a job or quitting a job will constitute automatic review and possible unsuccessful termination.

4. A subsequent arrest may result in suspension from the job until Family Court personnel have processed the case and decided what actions should be taken.

NOTE: By participating in the Juvenile Restitution Program, you agree to follow the rules listed above. Failure to comply will result in automatic termination from the JRP. A court hearing will be scheduled for the judge to review the circumstances surrounding your termination and make a new determination as to your legal status.

_____
Client

_____
JRP Representative

Generally, programs pursue one of three strategies. They help offenders get positions in the private sector, devise job training programs to help youths obtain their own positions, or subsidize public sector employers with program funds.

Private Sector Job Development

In the private sector job development model, program staff arrange for positions with private sector employers. These may be reserved for offenders with restitution orders; alternatively, the employers may agree to give preference to these youths in filling certain positions. Arrangements vary, from formal commitments structured around job slots held for each new restitution client to very tentative agreements that employers will give consideration to clients referred by the program when appropriate openings become available.

Earn-It, in Quincy, Massachusetts, developed its program in concert with the local Chamber of Commerce. The program generally has more job openings than offenders needing paid employment. The Charleston, South Carolina, restitution program found, on the other hand, that businesses were more likely to hire offenders who came in on their own after completing job training and were not sent by the court. Finally, the Toledo, Ohio, program found that, with extremely high unemployment, jobs were not available. However, area employers were willing to donate thousands of dollars to the program each year to allow it to hire and pay participants.

Programs have generally found that small businesses participate out of a commitment to their community and a desire to aid offenders or victims. Big businesses often desire temporary employees at lower wages. Similarly, businesses with high turnover are always in need of referrals and come to rely on court programs.

Public Sector

The public sector approach is similar to community service work, except that the program arranges for paid jobs in public or nonprofit agencies or on work crews supervised by program staff. The program sometimes provides a subsidy to cover some or all of the client's stipend. Where subsidies are used, programs seek third-party funding or solicit grants or corporate contributions. Some States, Iowa for example, have set aside a State restitution fund that can be used to subsidize project-sponsored work crews.

Job Training

Programs that adopt the job training approach do not provide for job placement or contract with employers for job slots. Rather, the focus of these programs is to provide training in job search and employment skills to help restitution clients compete successfully in the job market.

Most of the job training components are short (2 to 8 hours) small-group sessions that emphasize employment interests, filling out application forms, techniques of interviewing, and so forth.

Mixed Strategies

It is not uncommon to find programs involved in private sector job development as well as public employment; programs with more resources may also provide some job training. Nevertheless, most programs emphasize one service (with perhaps a secondary use of another model) in response to local constraints and opportunities.

In the programs that responded to the RESTTA Program Inventory, 52 percent of the financial restitution programs arranged for paid job slots in the private sector; about half had training programs. Just over 20 percent used subsidies. About two-thirds of the programs with community service components arranged for unpaid jobs; about half had work crews.

Working With Employers

In both public and private sector job placements, involving either paid or unpaid work, program managers agree that establishing and maintaining good relations with local employers is the most important factor in the success of a job assistance component. Potential employers, whether owners

of local businesses or managers of public agencies, must be carefully courted, persuaded, and reassured of the legitimacy and usefulness of a restitution program and the value of their role. Then they must be contacted regularly, praised, and (as one program manager puts it) "pampered" on a regular basis.

Good public relations are, of course, especially important in the initial stages of implementing placements, but the program's credibility with local employers is crucial throughout. In this regard, local sponsorship through organizations such as the Chamber of Commerce (or the analogous organizations that represent public service) may be a crucial factor in breaking the ice.

Program Resources

Job assistance, regardless of the type used, will require more resources—primarily staff. These resources will vary within program models, depending on caseload, the relationship of the program to the juvenile court, and the proportion of services assumed by probation or other departments in the juvenile justice system. The program almost certainly will need to designate a staff person to assume these responsibilities.

Unpaid Employment: Community Service Work

Few restitution programs have had difficulty placing offenders in community service work. Despite concerns about liability, workers' compensation, and related issues, a variety of agencies have accepted placements from restitution programs. The challenge facing community service programs, therefore, is to obtain placements that maximize the impact of this symbolic restitution on juvenile offenders and their victims.

Job Sites

Community service placements always involve either public agencies or private nonprofit organizations, including churches, schools, YMCA's, parks, police departments, fire stations, animal shelters, nursing homes, senior citizen centers, teen centers, battered women's shelters, and so forth.

Programs with successful community service components usually designate a staff member to seek out agencies willing to accept "volunteers."

Because most community service programs require that the youths arrange their own transportation to and from the work site, it is important to have more agencies "on call" throughout the court's jurisdiction than will be used at any one time. This also helps provide more flexibility for the juveniles. Most community service programs do not expect a supervisor to deal with more than one point at a time.

It is fairly common for restitution program staff to use work crews when they have juveniles who are especially hard to place in regular community service work or when there is a community project that could be handled by a work crew. The Charleston, South Carolina, program regularly seeks out special projects that both provide good work experience and enhance the program's visibility within the community.

The Dallas, Texas, program maintains a special work crew that accepts referrals from probation officers who are having difficulty placing certain youths in the established community service slots (see sample forms).

Working With Supervisors

Once agencies have been identified and sold on the program, they must be oriented to their responsibilities vis-a-vis the offender. These responsibilities are somewhat different, and require more training, than those in which the youth will be paid for the work (see sample forms). It is relatively well established that when youths are being paid, either in private or public sector positions, the restitution program can rely on the direct supervisor to insist on good work habits. This is clearly not the case with juveniles who are "volunteers" rather than paid help.

The Dallas program signs a contract with each agency, listing the responsibilities of the agency and the restitution program. The Charleston program holds two general meetings per year with all employers and supervisors. One meeting is an orientation for new sites, but all existing sites also participate. The other is a session to honor the agencies' efforts.

As with placement in private sector positions, most community service programs emphasize that the agency has the right to refuse a particular referral. Each youth assigned community service hours has to secure the position through an interview with the prospective employer. In South Carolina, the program emphasizes the importance of this initial interview and the expectations made of the youth by the supervisor (see sample form).

In most community service programs, every effort is made to ensure that the youth's work meets the standards that would be expected if it were a paying position. Considerable effort, however, must be expended to ensure that supervisors carry out their responsibilities appropriately and do not treat the youth as a volunteer who is able to show up whenever he or she wants.

A regular evaluation of each youth is requested by the Black Hawk County, Iowa, program. This evaluation not only serves as an incentive to the youth, but also encourages more active supervision by the site manager (see sample form).

Matching Youths to Work Sites

Most programs keep a summary file on each agency that describes types of jobs available, age and sex requirements for the job, contact person, hours when youths can work, and address and telephone number. In Charleston, South

Community Service Agencies, Dallas County, Texas

Dallas County
JUVENILE DEPARTMENT

Community Service Restitution
Agency List

No.: 1 Agency: Wesley-Rankin Community Center Contact: Espie-Del Rosario
Address: 3100 Crossman
Dallas, TX ZIP: 75212
Telephone: 742-6674 Age/Sex: 14-17/Coed

Jobs: Janitorial, groundskeeper, office aide, recreation and child care aides, tutors, senior activity aides. (Hours: 9:00 a.m.-7:00 p.m. Monday-Friday.)

No.: 2 Agency: Westside Girls Club Contact: Janet Rosenswei
Address: 2607 Toronto
Dallas, TX ZIP: 75212
Telephone: 630-5213 Age/Sex: 10-17/Female

Jobs: Office and clerical aides. (Hours: 2:00 p.m.-7:00 p.m. Monday-Friday.) Young girls will be given work credit to participate in programming.

No.: 3 Agency: Arthritis Foundation Contact: Jeanne Hoover
Address: 5415 Maple, Suite 417 Jeri Averback
Dallas, TX ZIP: 75235
Telephone: 638-7474 Age/Sex: 14-18/Coed

Jobs: Clerical: mail room, sorting, copying, stuffing, and stamping envelopes. (Hours: 8:30 a.m.-4:30 p.m. Monday-Friday.)

No.: 4 Agency: Washington Street Center Contact: James Harris
Address: 3525 State Street
Dallas, TX ZIP: 75204
Telephone: 824-6801 or 824-3960 Age/Sex: 10-17/Coed

Jobs: Grounds maintenance, janitor, office, day care. (Hours: 9:00 a.m.-5:00 p.m., summer, Monday-Friday.)

No.: 5 Agency: YMCA-Urban Services Contact: Terry Peel
Address: 601 North Akard
Dallas, TX ZIP: 75202
Telephone: 742-5324 Age/Sex: 13-17/Coed

Jobs: Junior counselor, recreation aide, janitor, and groundskeeper. Several different Urban Services areas: Casa, Cedar Springs Center, Bachman Lake Day Camp, or Downtown YMCA.

No.: 6 Agency: Lorch Park, Dallas County Contact: J.R. Smith
Security Dept.
Address: 600 Commerce Street
Dallas, TX ZIP: 75202
Telephone: 749-6750 Age/Sex: 10-17/Male

Jobs: Cleaning and maintaining county park on weekends. Some transportation is available.

Community Service Agreement, Dallas County, Texas

Dallas County
JUVENILE DEPARTMENT

Restitution Program
Community Service Agreement

This Agreement, entered into this _____ day of _____, 19____, by and between the Restitution Program of the Dallas County Juvenile Department hereinafter called "RP" and _____
_____
hereinafter called "Agency."

I. Purpose

This Agreement provides the basis under which "RP" and the "Agency" may carry out mutually agreeable activities, which ultimately provide juvenile offenders the opportunity to repay a portion of his or her injury to society by performing useful volunteer work for a governmental or non-profit agency.

II. Services

The "RP" agrees to provide proper screening and orientation of participants, specific number of hours of volunteer work to be completed within a specific time frame, and the name of a contact person in case of emergency or special problems. The "RP" agrees to provide accident and liability insurance for the juvenile participants.

The "Agency" agrees to provide a specific job description and orientation regarding job expectations, supervision of the participants while on the job, maintain a record of hours worked, and ensure the confidentiality of the participant's background.

III. Assurances

The "Agency" agrees to provide work assignments that can be completed by participants. The work assignments should not include work that may pose a danger to the public or that may endanger the participant.

The "Agency" shall have the right to reject any prospective participant, after the initial interview, by contacting "RP" contact person. The "RP" will provide on-going supervision of the participant.

IV. Termination

The "Agency" agrees not to terminate the participant prior to completion of the specified hours unless such action is made known, in writing or via telephone, to the "RP" contact person.

It is further agreed that this Agreement may be terminated by either party, "Agency" or "RP," by giving written notice of the intent to terminate to the other party.

Work Project Supervisor's Responsibilities, Lee County, North Carolina

Lee County Youth Services

405 EVERGREEN LANE
P. O. BOX 57
SANFORD, NORTH CAROLINA 27330
(919) 774-9515

Lee County Restitution Program
Supervisor's Responsibilities

A. To the program director:

1. Cooperate with the program director.
2. Follow the procedures set up by the program director.
3. Always assume full responsibility for work assigned to you and your employees.
4. Look for better ways of doing things and give your ideas or suggestions for improvement to the director.
5. Report any serious rule violations of employees or co-workers to the director.

B. To participants:

1. Be fully familiar with program policies and make every effort to explain the accurately to your participants at all times.
2. Consider each participant as an individual, important person at all times.
3. Keep a good attitude. Your attitude toward your job will determine the attitude of the participants.
4. Establish a warm and trusting climate with the participants.
5. Handle all participants' problems promptly.
6. Go out of your way to commend a participant for a job well done. When necessary, reprimand in private. Always remember, "Praise in public, reprimand in private."
7. Be considerate, fair and firm in your dealings with individual participants.
8. Assume the responsibility for the actions or the job done by people under your supervision. Never pass the buck if something goes wrong.
9. Learn to know the children individually. Learn as much as possible about their individual interests, likes and dislikes.
10. Always take time to give proper and adequate instruction to the children. Explain to them all matters connected with their jobs.
11. Coordinate the planned work so that work loads are fair.
12. Create a climate where abiding by the rules is natural and normal.
13. Never lose your temper.
14. Talk with, not at the participants.
15. Provide for the physical safety of the participants. Don't order unless it is a "safety condition."
16. Don't judge others by your own values.
17. Seek out those motivators that work with each individual.
18. Guide, direct and coach each participant.
19. Expect and accept mistakes as part of the learning process.
20. Avoid favoritism.
21. RESPECT CONFIDENTIALITY. WHATEVER YOU KNOW OR SURMISE ABOUT A YOUNGSTER IS UNDER NO CIRCUMSTANCES TO BE DIVULGED OR DISCUSSED WITH ANYONE BUT AN AUTHORIZED PERSON.

Work Project Supervisor's Responsibilities, Auburn, California

Auburn, California

Work Project Supervisor's Responsibilities Are:

1. To operate the work project under the direction of the Placer County Probation Department.
2. To coordinate activities of the work project with all agencies requesting services.
3. To supervise juveniles assigned to the work project.
4. Counsel juveniles on the job and deal with any letdown in morale, the work output, individual problems, and a breakdown of crew structure.
5. Grade and evaluate each juvenile at the end of the workday.
6. To demonstrate and instruct juveniles in proper use of tools and tool safety.
7. Administer first aid to all injuries and fill out reports if necessary. Reports are turned in to the probation department by the supervisors.
8. To see that all assigned tasks are completed.
9. Maintain accurate attendance records of assigned crews.
10. To prepare summary evaluations upon completion of each individual juvenile and forward reports to probation officers.
11. To maintain a comprehensive public relations program by speaking to interested civic groups and community organizations.
12. To prepare concise and clear weekly reports of work project activities and monthly reports of attendance statistics and submit them to the Chief Probation Officer.

Skills Required for Work Project Personnel are:

1. Leadership qualities.
2. Good rapport with individuals and the ability to understand and have patience in dealing with juveniles.
3. Good work habits.
4. A reponsible and dependable attitude.
5. A basic knowledge of landscaping.

Guidelines for Job Interviews, Columbia, South Carolina

Youth Services
P.O. Box 7367/Columbia, S.C. 29202
Telephone (803) 758-3810

GUIDELINES FOR JOB INTERVIEWS

Please use the following as a guide in interviewing youths from the Juvenile Restitution Program for volunteer positions.

1. If the direct supervisor is to be another employee of the agency, please include this person in the interview session.

2. Obtain a written application from the youth or if this is not appropriate, please verbally question the juvenile concerning his/her name, age, residence, health, school and grades.

3. Inquire concerning the position desired and why it is wanted.

4. Inquire concerning past work experience, skills, effectiveness on the job, ability to get along with other employees and supervisors, and like or dislike of the job.

5. Inquire concerning transportation.

6. Inquire concerning any strong preference for work with people or alone, and ability to accept supervision.

7. Explain the duties of the position and ask any questions relevant to these specific duties.

8. Ask if the youth is willing to accept the duties as explained.

9. Give impressions of how the youth handled the interview or any particular good and bad behaviors displayed by the juvenile.

10. If it is felt that the juvenile is appropriate for the position applied for, inquire concerning the work schedule. The work schedule and starting date should be made by mutual agreement between the direct supervisor and the youth.

Other questions may be added to the above format, but it is requested that at least the above be covered in the interview. Please keep in mind that any inquiries concerning the criminal history of the youth cannot be answered by Juvenile Restitution staff and may only be answered voluntarily by the youth under federal confidentiality and privacy regulations.

Thank you for your cooperation.

Rev. 4/85 kh

Work Project Evaluation Form, Waterloo, Iowa

Juvenile Court Services

BLACK HAWK COUNTY — BUCHANAN COUNTY — GRUNDY COUNTY
P. O. Box 1468
312 East 6th Street
WATERLOO, IOWA 50704
Phone (319) 291-2506

Community Services Work Project - Restitution Program
Evaluation Form

Juvenile Court Services

Date:_____

Name of juvenile:_____

Work project - Number of hours assigned_____
- Number of hours completed_____

Restitution - Amount owed to victim(s)_____
- Amount paid back to victim(s)_____

Referred to small claims court: yes_____ no_____

Work/job sites_____

Supervisor(s)_____

Work performance:	Employability attitudes:
Performance level	Dependability
Industriousness	Willingness to accept instructions
Punctuality	Initiative
Attendance	Cooperativeness with job supervisors
Progress	Courtesy
Use of material/tools	Ability to get along with fellow workers

Rating scale: 1=Outstanding 2=Above average 3=Average
4=Below average 5=Unsatisfactory

Was the rating discussed with youth participant? yes___ no___

Comments:

Signed _____

Carolina, each employer prepares a job description outlining the duties of each position. The South Carolina program emphasizes the importance of giving each job a meaningful title and description, to enhance its significance in the eyes of the youth (see sample forms).

Juveniles are usually given some choice in selecting sites to which they apply, although considerable guidance may be needed to ensure that they select a position appropriate for their skills.

Program directors have also recognized the importance of avoiding placements in settings that jeopardize the youth's success, or that might produce a dangerous situation for others at the work site. Arsonists, for example, would not be sent to work in lumber yards; drug abusers would not be placed in pharmacies or hospitals.

Job Skills Orientation

Juveniles with community service work orders may need job skills training for the same reasons as youths with monetary orders. Poorly prepared juveniles will have difficulty securing positions and may not be able to carry out their responsibilities. Thus, most restitution programs that have a job training component require their community service cases, as well as their monetary cases, to participate.

Resources

The resources needed for the community service component are similar to those needed for private sector positions. The program may initially designate a staff person as the work site liaison; this individual may eventually carry a caseload or supervise special work crews rather than concentrate exclusively on liaison with agencies. Other than additional staff time, there are no special resources needed for a community service work component.

Liability Issues in Juvenile Restitution

Programs that assume responsibility for placing youths in paid or unpaid positions also assume some responsibility for their safety and behavior at the work site. A program must consider:

- Injuries sustained by the juvenile in a court-ordered placement.
- Injuries or harm done by the juvenile at the work site.
- Loss or damages caused by the youth as a result of a crime committed at the workplace.

Waivers

A common, but inadequate, solution to these problems is to ask for a liability waiver signed by the youth and his or her parents. Legal experts strongly advise against this practice; such a waiver may be insufficient when challenged in court, thus giving a false sense of security to those involved.

Insurance

Many programs have resolved the problem by purchasing liability insurance. Its cost can be covered by charging each youth a small fee.

In some locations, the county government has purchased liability protection that covers injuries sustained by juveniles as well as injuries caused by them. In some parts of the country, State legislatures have authorized coverage by State workers' compensation laws, with county governments making the necessary contributions.

Issues for Employers

A restitution program is well advised to research liability issues and not leave them to the discretion of the employer. By knowing the laws and conveying them to prospective employers, a program reduces the burden on businesses and diminishes the likelihood that a liability suit will occur. Some of the questions commonly posed by prospective employers are:

- Unemployment compensation. Is an employer responsible for unemployment compensation to youth employed as part of the restitution program?
- Social Security benefits. Must an employer pay into Social Security for a youth temporarily employed?
- Child labor laws. What are the restrictions on employing youth of a certain age and in certain types of occupations?
- Minimum wage. Is an employer bound by minimum wage restrictions or has legislation waived these obligations for employers participating in a juvenile restitution program?
- Insurance benefits and workers' compensation. Is an employer required to include restitution clients in an insurance program, and must the employer pay into a workers' compensation fund?

Legislation in areas related to restitution, such as the employment of minors, can be very specific and varies from State to State. In Wisconsin, for example, youth must have a work permit before beginning employment. The law differentiates types of employment that can be performed by youths aged 14 and 15 and those aged 16 through 18. For example, the younger juveniles can legally perform such tasks as sweeping, mopping, dusting, and cleaning windows. The older youth can, in addition, operate certain power equipment, machines, and devices used in restaurants, kitchens, etc. The law prohibits employment of children in such occupational settings as amusement parks, logging, and roofing operations.

A program should ensure that employers are aware of their responsibilities and that no child is assigned to a task precluded by law. It may be worthwhile for the program manager to prepare a risk analysis addressing these issues, within the context of State law and local practices (see sample form).

Although liability issues may seem imposing at first glance, most program managers report that they seldom arise in practice. On-the-job crimes by restitution clients, for example, are rare occurrences. One experienced program manager points out that the generally understood legal rule is

Job Description, Charleston, South Carolina

JARL WAHLSTROM
GENERAL
LT. COLONEL DAVID HOLZ
DIVISIONAL COMMANDER

ANDREW S. MILLER
TERRITORIAL COMMANDER
MAJOR GILBERT C. WATSON
COMMANDING OFFICER

The Salvation Army
FOUNDED IN 1865 BY WILLIAM BOOTH

88 SIMONS STREET
P. O. BOX 1015
CHARLESTON, S. C. 29402
TELEPHONE 723-3658

JUVENILE RESTITUTION PROGRAM
VOLUNTEER JOB DESCRIPTION

A. 1. Assistant to the Maintenance man — Use two volunteers
2. Cleaning and maintenance
3. Mopping, folding of chairs and tables, setting up of chairs and tables for activities, buffing, waxing, stripping off old wax, cleaning yards of trash, unloading cars when donation is made, cleaning bathrooms, washing dishes, emptying waste baskets, etc.
4. Willing to learn
5. Gregg White/Shirley Boykin
6. 8:30 A.M.-4:30 P.M., 8d Simons Street

B. 1. Receptionist — Use one volunteer
2. Meet and welcome visitors
3. Answer telephone, directing visitors to the right place, greet and welcome visitors
4. Good voice and be pleasant
5. Shirley Boykin
6. 8:30 A.M.-4:30 P.M., 38 Simons Street

C. 1. Truck Helper — Use three volunteers
2. Help driver in loading and unloading of truck
3. Help with loading and unloading of truck, watch and tell while driver is backing truck, help dirver move donations out of house and into truck
4. Good health
5. Margaret Williamson
6. Rivers and Reynolds, 7:30 A.M.-4:00 P.M.

D. 1. Dock Helper — Use two volunteers
2. Help Dock Foreman manage Dock Area
3. Moving items off dock to proper place, unloading and loading trucks as needed, sweeping dock area, moving items to dock area for loading on trucks
4. Good health
5. Margaret Williamson
6. 7:30 A.M.-4:00 P.M., Rivers and Reynolds Avenue

Job Description, Charleston, South Carolina

HOPE CENTER FOR THE RETARDED, INC.

1821 SAM RITTENBERG BLVD. CHARLESTON, S.C. 29407
TELEPHONE 803-571-3035

VOLUNTEER/JUVENILE RESTITUTION
JOB DESCRIPTION

TITLE: Instructor's Assistant/Aide Maintenance Worker in Adult Activity Program

MAJOR OBJECTIVE: Hope Center provides a learning situation which meets each client's behavioral and developmental needs. Emphasis is placed on the supervision, welfare and safety of the clients at all times.

MAJOR RESPONSIBILITIES:

I. Assist with a variety of activities in the different work areas: furniture refinishing, mailings, wood-working, truck deliveries (with appropriate instruction from a supervisor).

II. Perform various maintenance and janitorial tasks which include mopping, waxing, and buffing floors, cleaning restrooms, and helping maintain an orderly appearance within the building and grounds.

III. Assist the staff on field trips and during specified recreation activities.

QUALIFICATIONS: Needed qualifications include an attitude of genuine interest in the clients, patience, dependability, a willingness to work, a sense of responsibility and maturity.

Training of necessary skills would take place on the job.

SUPERVISOR: Daved Netti

TIME: Scheduled hours between 9:00 a.m. and 3:00 p.m.

PLACE: 1821 Sam Rittenberg Boulevard

Risk Analysis Memo, Dallas County, Texas

Dallas County
JUVENILE DEPARTMENT

Memorandum

To: Albert Richard, Jr.
Director of Juvenile Services

From: John W. Burns
Restitution Program Manager

Date: November 3, 1983

Subject: Community Service Restitution--Risk and Liability

The issue of "Risk and Liability" for participation in the Community Service Restitution (CSR) Program is a major concern for all governmental and civic agencies involved in the program. The common questions are:

"What risks are there?"
"Are we liable for property damage or personal injury?"

There is no doubt that I am asking Community Service Agencies to take some risks, but the benefits of this program far outweigh the risk.

The risks that most people fear are that the youth involved in this program are dangerous to themselves or other people. Another fear is that the youths will be stealing from the employees. Of course, these risks do exist and that is why it is the Probation Officers' responsibility to screen the youth before they are sent to a CSR Agency. There are actually two screenings. The first screening occurs when the Court Investigation Officer checks out the youth and family to determine that the youth will be a good risk on probation. The majority of CSR clients are on probation for the first time and the Court Investigation Officer has determined that the youth is appropriate for the CSR Program. The second screening occurs when the Field Probation Officer assigned to the youth begins the process of placing the youth in a CSR agency. The Field Officer will discuss CSR with the youth and try to find a CSR agency which is appropriate. The Field Officer screens to make sure that youth with serious drug or alcohol problems are not sent to work in hospitals or nursing homes. The Field Officer also screens to make sure that youth with serious stealing problems are not sent to agencies where the youth might be tempted; also, youth who do not have adequate self-control are not sent to work in confined environments. As you can see, this screening process was set up to try to minimize the risk for the CSR agency.

Risk Analysis Memo, Dallas County, Texas (continued)

In addition to these two screenings, there is a final screening performed by the CSR agency. Each client must meet with a representative from the CSR agency and go through a process similar to applying for a job. The CSR agency has the absolute right to accept or reject a youth based on this interview. If the agency does accept the youth and then experiences problems with that youth, the agency can contact the Restitution Program staff and either request that the youth be transferred or the agency can terminate the youth's employment. The CSR agency also agrees not to place the youth in a job which may be dangerous for the youth or others.

I think that you should be aware that in eighteen (18) months of operation, the most serious problem I am aware of is that four youth have been accused of stealing. This is less than one percent (1%) of all the youth involved in the program. The most common problems are youth who do not report to work as scheduled, youth who do not perform the tasks assigned to them, and youth who have no job experience and show little, if any, initiative.

The issue of liability is also a major concern. I have done everything possible to minimize this issue. First, I ask the youth and parent to sign a "Waiver of Liability." This is a standard form used by the Department for all programs. In addition to the "waiver," the Department has purchased accident and liability insurance to cover CSR clients and affiliated CSR agencies. Typically, CSR clients are concerned about satisfying their CSR obligations with minimal problems because they have been advised that "getting fired" may result in further Court action as a violation of their probation.

There are also two statutes within the Family Code which address the issue of liability. Title 2, Chapter 33, Sections 33.01 and 33.02 state "...A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

(1) negligent conduct of the child...if the parent fails to exercise that duty; or

(2) the willful and malicious conduct of a child who is at least twelve years of age but under eighteen years of age."

The limit of this liability is "limited to actual damages not to exceed $15,000 per occurrance, plus court costs, and reasonable attorney fees." Title 3, Chapter 54, Section 54.041 and other related sections have recently been changed. The new statutes authorize a city, town, or county to purchase insurance policies to cover CSR clients. This statute also established the following limits of liability.

Risk Analysis Memo, Dallas County, Texas (continued)

Memorandum: Albert Richard, Jr. Page 3

RE: Community Service Restitution--Risk and Liability 11/3/93

(A) $100,000 to a single person and
$300,000 for a single occurance in the case of personal injury, or death.

(B) $10,000 for a single occurrance of property damage.

(C) Liability may not extend to punitive or exemplary damages.

The insurance which we purchased well exceeds the limits established above.

The new statute also allows a political subdivision to cover CSR clients as other "employees" and provide benefit coverage as such.

As you can see, we have done everything possible to minimize the risk for the CSR agencies. I have established a "Community Services Agreement" which helps tie the agency into the program so that the "waiver" and insurance apply. In addition to this agreement, we have considered and accepted revisions submitted by local City Attorneys. For instance, the City of Rowlett places an attachment on the agreement which is a "Hold Harmless" statement.

The City of Farmers Branch submitted the proposal to their City Attorney, who, in turn, designed a community service restitution agreement which limits participation to youth between the ages of sixteen and eighteen years of age. However, when I appeared before the City Council, they unanimously passed the resolution and changed the age to include ten through seventeen year olds.

At this time, I have 105 different Community Service Agencies. Each agency specifies their own job requirements including acceptable ages, sex, restrictions and job duties. CSR youth are sent to agencies only if they meet the requirements established by the agency.

that if programs act unreasonably in making placements—for example, by referring a rapist to a position in a day-care center—or fail to warn employers about a client's background, they may be liable. Thus, to protect themselves as well as to preserve their credibility, program staff should warn employers about potentially problematic placements.

The simplest solution, and the one used by most programs, is to purchase liability policies or arrange for coverage through their boards of directors' policies or through their parent agencies.

Most programs report that their clients are covered (in the event of injury) under the employer's regular workers' compensation. This coverage will generally add only a tiny amount to the employer's basic premium (less than 1 dollar per year in some States). For public sector jobs, the agency may provide coverage for restitution referrals under its own workers' compensation plan. Alternatively, because it will usually be subsidizing the client's salary, the program or its parent agency may be required to provide coverage under its own plan. Some program managers find that clients are covered under county plans for workers in special programs; others are covered through insurance purchased through probation departments (which insure any probationer regardless of placement).

County or departmental plans will often cover work crew placements; where they do not, programs may purchase their own policies.

In some jurisdictions, there may be no workers' compensation plan at either the county or probation level covering young, temporary workers. In this case, program managers often need to present the county or parent organization with alternatives, after carefully researching State and local regulations, or consider purchasing coverage of their own. Such detailed knowledge of employment insurance options and restrictions in a locality is also essential in dealing with potential employers in the private sector. Program managers must be capable of assuring businesses that agreeing to hire offenders will in no way complicate their normal procedures for insuring employees. In any case, arranging for coverage for restitution workers is generally not an insurmountable problem. A number of insurance companies are eager to provide compensation or liability policies for such clients; some even specialize in coverage for part-time and volunteer workers.

Placing Violent and Serious Offenders

Programs that take an active part in placing youths in jobs, rather than letting youths seek out their own positions, take on some responsibility for clients' job performance. Hence, programs that refer to prearranged job slots, community service placements, or participating employers may need to be more concerned about the type of clients admitted. Programs without such job assistance can accept questionable referrals at risk of increasing the rate of program failure and jeopardizing relations with employers as well as the credibility of the program.

Given these concerns, it is interesting to note that most program managers do not view job placement and referral activities as imposing any significant limitations on the kinds of youths they accept. Although age, emotional disturbance, prior record, and other factors will certainly be considerations in the eligibility decision, most program managers seem to find some way of providing job assistance to even the most difficult clients.

Where age is a problem, most programs maintain community service components to which they can refer restitutioners—including very young clients—who present problems in a normal work setting. One program manager reports, however, that often the problem is not one of a youth being legally under age, but rather that employers are not informed about or misunderstand child labor laws. Managers have found that an educational effort to reassure employers that they were not legally vulnerable in hiring young referrals was generally all that was required. As an added incentive and in special cases, a subsidy to pay half a youth's salary can lessen an employer's concerns about other risks in hiring young offenders.

Child labor laws impose limitations on employing very young children outside the home and limit the amount of time 14- to 16-year-olds can work. However, full-time work is almost never a requirement to pay a restitution order, so time limitations are rarely a problem.

Community service components or program-supervised work crews also have been used as an option for offenders considered emotionally disturbed or too dangerous, or who are viewed as presenting an unusual risk in more traditional job slots (e.g., chronic shoplifters).

In some jurisdictions, dangerousness is not an issue because violent offenders will be incarcerated anyway. Many program managers note, however, that it is rare to find an offender too violent or disturbed for placement in some job environment. Generally, managers find that the solution to placing difficult clients lies in using both creativity and common sense in selecting appropriate work situations. Careful persuasion will also be required to convince employers that even offenders with violent histories often make reliable workers.

According to the manager of the highly successful Earn-It program, the most important thing to remember in placing offenders is to take an honest approach with employers about an offender's background; he adds that such honesty—in addition to simply having a surplus of job sites—is the best guarantee that offenders from a variety of backgrounds can be placed (see sample form).

Having more than one type of placement—for example, public sector and work crew slots in addition to private sector positions—is another strategy for finding options for difficult clients. One manager who has both private and public sector slots uses the latter for youths who fail in private sector jobs. He notes that having both options has enabled his program to serve an "incredibly diverse population."

Job Placement Brochure, Quincy, Massachusetts

Questions businesses ask about Earn-It.

What is Earn-It?

EARN-IT is a Court Program for young offenders.

It provides the hours of work necessary to help them earn their way back to the community by earning the money to pay for damages caused by their offenses.

The work is sponsored by local businesses who have donated hours of work.

Who qualifies for Earn-It?

A youthful offender who wants a second chance.

They are offenders who have committed less serious offenses.

All offenders who participate in EARN-IT are screened and approved in advance by a professional Court Screening Panel.

How will Earn-It participants be assigned to work in businesses?

By matching their skills to your needs.

First, employers will be interviewed to determine their employee needs. Each EARN-IT participant, after careful screening, will meet with an EARN-IT counselor to determine his or her job skills and suitability for various types of work.

EARN-IT counselors will then match the participant with suitable work. The participant will then be referred to a particular employer for an initial employment interview. EARN-IT participants will be accompanied by an EARN-IT counselor for this initial interview.

Assuming the interview is satisfactory, the participant will be hired for a specific period of time.

Does a participating businessman have to accept an Earn-It referral for work?

No.

Every employer will have the absolute opportunity to reject any referral. Although all referrals will be carefully screened in advance, all employers have the right of refusal.

What salaries should an employer pay Earn-It participants?

No more than the minimum wage is required.

Any additional wage paid will be up to the individual employer.

And for those employers willing to employ 13, 14 and 15 year olds, we may be able to reimburse you some of the costs.

Will your existing workingmen's compensation cover Earn-It participants?

Yes.

If you already have one or more employees, under Massachusetts law the EARN-IT participant will also be automatically covered.

Will this boost workingmen's compensation costs for businessmen?

Less than a dollar.

Since rates are determined by your yearly payroll, your next year's Workingmen's Compensation premium won't go up more than a dollar for your work contribution.

What about your having to withhold taxes?

You need not.

Internal Revenue Service Form W-4E will be provided to each EARN-IT participant, to exempt him or her from Federal Withholding taxes.

What happens if an Earn-It participant fails to perform adequately on the job?

The hirer should immediately contact the EARN-IT staff at 471-1600, and the participant will be withdrawn from the job immediately. No sponsor should ever feel obligated to keep an EARN-IT participant who is unavailable or whose work is unsatisfactory.

What happens if the Earn-It participant does well on the job?

We won't know unless you tell us.

When the EARN-IT participant completes his work, the Judge will want to know your evaluation of his performance and attitude on the job. A counselor will call you for your comments.

By the way, additional comments, criticisms, etc. about the program in general will be appreciated.

What happens after the hours donated are up?

You tell us.

If you believe the program has been successful and you have received a full day's work for a full day's pay, why not follow other EARN-IT sponsors and sign up for your second youth participant as soon as you have time and work available.

What kinds of businesses are Earn-It sponsors?

All kinds.

Large department stores, small corner groceries, beauty salons, newspapers, gas stations . . . and many more. over 60 different kinds of businesses are currently providing 100 hours or more. They are located in all the communities served by the Court (Quincy, Braintree, Randolph, Holbrook, Cohasset, Milton, Weymouth) as well as Hingham and downtown Boston.

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Generally, then, the addition of an employment component focused on job referral and placement should not force programs to limit their eligibility criteria. However, where the variety of job slots available is more limited (to private sector positions only, for example), program managers sometimes find themselves facing a dilemma—whether or not to jeopardize future placements and good employer relations by placing youths with serious emotional problems, unstable living situations, and so on.

Although many programs are part of the court system and cannot refuse referrals, some program managers will accept referrals contingent upon the client receiving special services, such as therapy or completion of drug rehabilitation. The manager of the Madison, Wisconsin, program (a nonprofit program that tries to take all juvenile court referrals) notes that he refers clients to social services (the equivalent of probation) when it is clear that drastic action is required. While he seldom refuses a client, this manager will sometimes ask that problems be resolved before placement in the job site.

Most managers agree that, while a history of violent offenses does not necessarily preclude an offender from employment, a certain level of stability is necessary for reasonable job performance. Delaying the work placement, at least until the more chronic problems are resolved, is a solution that many program managers have found successful (and easily understood by the referral agency, victims, and other concerned parties).

Victim-Offender Mediation

Although financial restitution and community service are the main emphases of most restitution programs, some programs have developed additional victim-oriented activities. The most common addition to the basic financial and community service model is a victim-offender mediation component.

Mediation is a voluntary technique for resolving disputes that involves the use of neutral persons to reach an agreement among the directly affected parties. It usually includes a face-to-face meeting between the victim and offender, as well as the third party mediator, in which an effort is made to reach agreement on the amount of restitution and to deal with other issues between the disputants.

Restitution programs use mediation in two somewhat different ways. In some programs, mediation is viewed primarily as a technique for determining the amount of restitution that will be ordered by the court (or that will be paid voluntarily by the offender as part of a diversion agreement). In others, mediation has taken on a much-expanded role—it is viewed as a means for producing reconciliation between the victim and offender, which, in turn, is expected to aid in the victim's recovery from the crime and in the offender's rehabilitation. In the latter approach, reconciliation is the primary goal of the mediation process and restitution is viewed as a worthwhile byproduct—not the primary reason for having mediation.

Most of the information on mediation and how it is used in juvenile restitution programs is based on the experiences of the Washington, D.C., program, the Victim Offender Reconciliation Program (VORP), the Dallas, Texas, program, and the Earn-It program in Quincy, Massachusetts.

Fundamental Decisions

Goals and Philosophy

Some programs with mediation components view reconciliation as their primary goal, whereas others emphasize such goals as determining the amount of restitution, holding the offender accountable for the act, providing an alternative to court processing or incarceration, and assisting in the offender's rehabilitation.

The VORP Mediation Guide, for example, says:

> It is very important to highlight the fact that the focus of the VORP process is reconciling the conflict between the victim and offender. The actual restitution agreement that is worked out by both is a tangible byproduct of the reconciliation process. VORP is not meant to be simply court-ordered restitution in which the victim and offender meet in the presence of a criminal justice official to determine how much restitution can be paid, and how soon.

The Washington, D.C., model, on the other hand, is more practical in its orientation, although it emphasizes some of the same points. Its mediation process is an "integral part" of the restitution program, but its key purpose is to develop a restitution agreement and treatment plan which then will be submitted to the court for approval. The D.C. manual says that mediation "is an administrative process, as opposed to judicial, and is not to be utilized as a format to retry the case."

The Dallas program emphasizes that mediation provides a service that goes beyond the simple development of a restitution agreement:

> While the court itself is restricted to settling legal disputes, the people involved also need help in dealing with the entire range of issues, both legal and interpersonal, that have brought them together before the court.

Organizational Relationship

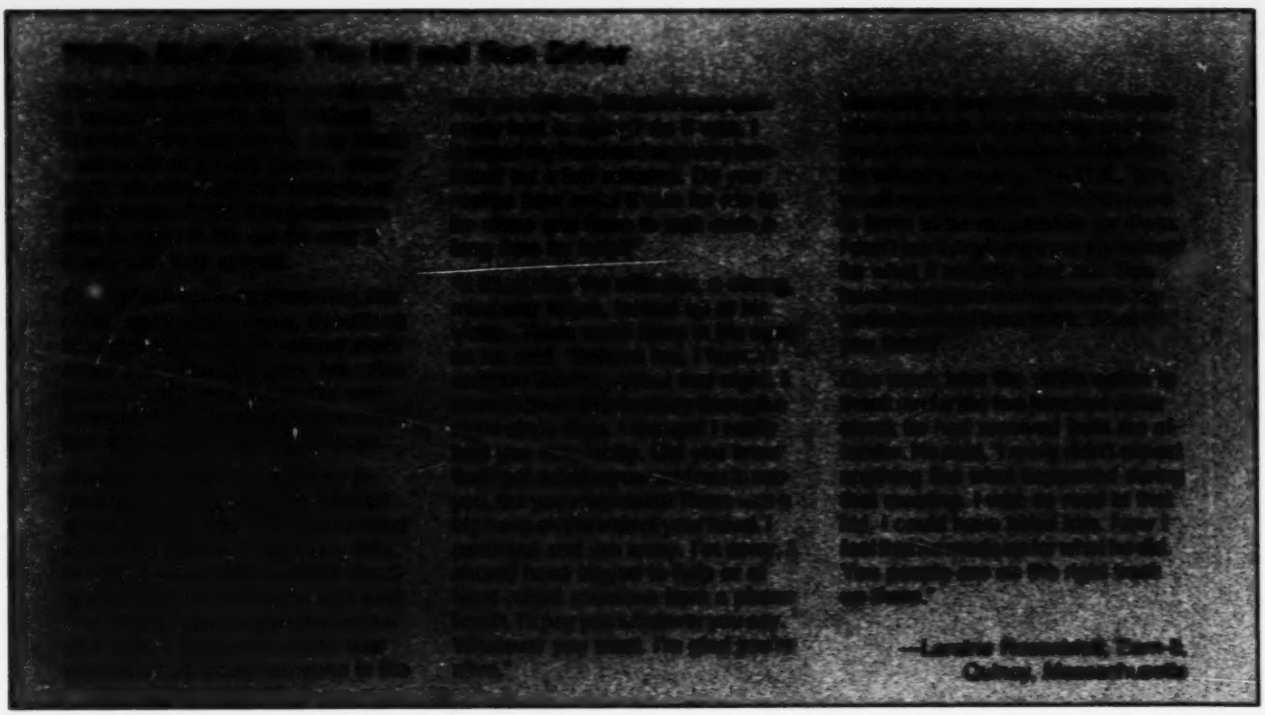
The mediation unit may be an integral part of the restitution program and under the auspices of the probation department or the court; alternatively, the restitution program may contract with a private organization to provide mediation services. In short, there are several different ways in which juvenile restitution programs have incorporated mediation into their efforts.

VORP is an independent organization operated by Prisoner and Community Together, Inc. (PACT), which, in turn, is a program of the Mennonite Central Committee, U.S. VORP makes a strong case for having an independent organization handle the mediation sessions. VORP argues, for example, that it is difficult for court-based programs to maintain their independence, because it is harder for them to establish and monitor guidelines for admittance to the program. Even more telling is the argument that "the criminal justice process may have a different agenda than you do. Often the emphasis will be upon restitution or punishment."

VORP acknowledges the importance of restitution and agrees that even punishment may be appropriate at times, but its primary goals are understanding and reconciliation rather than restitution or punishment.

And, from the perspective of the mediation session itself, the criminal justice system has a stake in the outcome. If representatives of the system participate in the mediation sessions, they cannot be considered neutral—a characteristic usually considered essential for successful mediation. The mediator, in the ideal model, should have no power over the lives of anyone involved in the mediation session and should have no stake in the outcome.

Some of these objectives, however, have been reached by programs that are publicly funded. Dallas and Washington, D.C., both use volunteer mediators. Each volunteer is required to participate in an intensive 60-hour training program in mediation principles and skills. The Washington program began by contracting the mediation to a private organization; when Federal grant funds expired and there was no local support for this activity, they shifted to trained volunteers. In Dallas, the program has one justice-based staff person responsible for mediation. He is a trained mediator and, in turn, has trained others. Many Dallas volunteers are members of the Young Lawyers Association.



Target Population

The addition of a mediation process to a juvenile restitution program does not seem to reduce the ability of the program to deal with serious or chronic offenders. VORP, for example, clearly intends that mediation should be used for offenders who otherwise would be candidates for incarceration. The VORP program manual specifically deals with the risk that the availability of victim-offender mediation could produce a "net-widening" effect in which persons are drawn into the program who, in the past, would not have been involved in the system at all. VORP's intention is to take serious offenders if the courts will refer them. Similarly, the Washington, D.C., program takes very serious offenders. One aspect of the program, in fact, requires that the youths be candidates for admittance to the Department of Health and Human Services and have at least one prior felony conviction before admittance.

Mediation and Other Sanctions

Mediation can take place either before or after adjudication. In some jurisdictions, mediation is used in lieu of adjudication. If the parties can agree to a settlement and to the terms for carrying it out, then the case does not go to court but is handled on a diversion basis. The Dallas program, for example, handles both pre- and postadjudication cases, although Washington, D.C., accepts only those who have been adjudicated.

The Basic Process

The referral process varies somewhat from one jurisdiction to another. In Quincy, Massachusetts, the victim is contacted immediately after the court has ordered restitution. If the victim is at the court for the disposition hearing, he or she is immediately contacted by the Victim Services Office; otherwise, notification is by phone or letter. In most programs, both the victim and offender will be contacted and interviewed separately regarding their interest in participating in the program. VORP suggests that it is advisable to interview offenders first to determine whether or not they are willing. If not, the victims can be saved the strain of agreeing to mediation only to have the offenders refuse (see sample form).

In Quincy, victims are invited to participate in mediation. If they accept, a mediation session is held with a staff member and the defendant. At this time, the amount of restitution is agreed upon. If the victim does not wish to participate in mediation, the Victim Services Office provides assistance in documenting losses, as though completing an insurance claim.

For victims who accept the invitation to participate in mediation, a session is held with a trained mediator. The mediator's role is to reassure both parties that the meeting will be constructive, though not necessarily calm and conflict-free. In seeking to reconcile the parties involved, the purpose of the meeting goes far beyond the simple determination of restitution.

Once the restitution amount is determined and agreed upon by both victim and defendant, a method of repayment and a payment schedule are also negotiated. Usually it is cash, although occasionally the victim will allow the offender to perform work in lieu of cash. In the negotiation process, the victim also learns about the defendant's resources (or lack of them).

If, as a result of meeting with the victim, any special needs become known to the program, appropriate referrals are made—just as a victim-witness program might seek out community resources for victims who need them.

Following the mediation session, defendants are monitored to ensure that they fulfill the agreement. If a defendant fails to pay, or delays payment, the victim should be informed. Otherwise, the program mails payments to the victim as soon as they are received, or at periodic intervals.

Defendants who fail to pay their restitution are returned to court. Rather than ask for "all-or-nothing" punishment at this point, some programs ask the court to increase the sanctions on the defendant without canceling the restitution obligation. For example, the defendant may be sentenced to a weekend in jail, given house curfew, or have community service work hours increased. Often, because the defendant's failure to pay can result in further victim losses, interest is added to the restitution arrearage.

Case closure procedures in many victim mediation programs are also designed to involve the victim. If the victim had been unwilling to meet with the offender at the time of the sentence, the opportunity to meet is reoffered. Sometimes victims are more willing to meet after having received their restitution. Defendants are encouraged to write final letters of apology accompanying the last payment. If the defendant defaults or is committed for failure to pay, the victim is notified. The situation is explained and advice is given on how the victim may bring a civil suit against the defendant's parents to recover damages.

Occasionally a victim will not accept restitution and the offender will be required to do community work service or make a contribution to the victim's designated charity. In most mediation programs, the mediated agreement can include orders that go beyond out-of-pocket costs. In Quincy, for example, inconvenience is generally included. If the victim spent 4 hours getting a vandalized car fixed, that lost time is compensated at one-and-one-half times the rate of the victim's wage. In addition, it is the contention of many program managers that missed leisure time, like missed work, should be compensated. Overall, restitution amounts should, as nearly as possible, be made equivalent to the full costs to the victim.

Unlike the traditional probation officer, the program staffer in a victim-oriented program is not responsible solely for the defendant, but for the victim as well. While probation officers must be concerned with the defendant's rehabilitation, victim-oriented staffers focus on restitution and victim services. Further, it is a tenet of most mediation programs that undercutting the defendant's rationalization of the crime is an essential ingredient in rehabilitation and crime prevention. One way to break down rationalization is through exposure to the victim and the victim's experiences.

Victim Notification Brochure, Elkhart, Indiana

WHO ARE WE?

VORP was begun by a probation department in Elkhart County, but is now a project of Elkhart County PACT. PACT is a private, non-profit community corrections organization dedicated to providing positive criminal justice programs for our community. Program policy is overseen by a local board including both community persons and representatives of the criminal justice system. Similar programs are now operated in a number of communities in the United States and Canada.

WHAT DO WE DO?

VORP arranges for meetings between victims and offenders, assists in finding answers to problems caused by criminal offenses, and assists in developing restitution contracts.

However, VORP does NOT do the following:

- Supervise offenders. Supervision remains the responsibility of the probation departments.
- Enforce restitution agreements. Enforcement of restitution agreements remains with the court and probation department, to the extent that it is within their power. VORP does keep tabs on your case until restitution is fulfilled, however, and is happy to help out if problems arise.
- Guarantee agreements or fulfillment of agreements. We will do our best to assist, but the ultimate fulfillment of the agreement depends on the parties' willingness to make it work.

YOUR ROLE

You can assist in making this a constructive, useful process by doing the following:

- Think through what the offense has meant to you and what questions you have. This is an unusual chance for you to receive answers to questions and for an offender to hear the feelings that only you--a victim—can express.
- Bring all documentation available which will help to establish the extent of your losses—insurance claims, damage estimates, sales slips, etc. Think through what you feel is needed for a satisfactory settlement. It is often impossible for any repayment to fully compensate for all the emotional and financial costs of an offense, of course, but think about what you feel your losses to be.
- Let the volunteer know as soon as possible if you find that the time which has been arranged for a meeting does not work for you.
- Contact the volunteer or our office if you have further questions or if any problems develop in the fulfillment of the restitution agreement. If there seem to be unreasonable delays in payment, for example, let us know.

THE VICTIM OFFENDER RECONCILIATION PROGRAM (VORP) . . .

is a program operated by Elkhart County PACT. It is designed to address some of the needs of victims which are often unmet in the criminal justice process.

VORP consists of a meeting between you, the victim and the offender to provide you with an opportunity to:

- *ask questions which may have arisen out of the offense and later experiences,*
- *express feelings and opinions caused by the offense directly to the person involved, and*
- *work out a written agreement for restitution or settlement.*

Participation in VORP requires the consent of all parties. The meeting is organized and led by a neutral, trained community volunteer. This volunteer is present to facilitate communication and agreement, not to make decisions or impose a settlement.

Your case has been referred to us by the court system, which has determined that this case is the type which can be facilitated well through VORP.

Mediation Techniques

Some courts contract actual mediation sessions to organizations that specialize in mediation, such as VORP, which provides mediation services to several midwestern courts, or the Center for Community Justice, which provides these services to the Washington, D.C., court. Others hire a trained staff member, who, in turn, trains volunteers or oversees their training by professional mediators. These volunteers then carry out the mediation sessions under the general guidance of one supervisor.

The process is said to have a therapeutic effect on both the juvenile and the victim. The youths are led to recognize the seriousness of their offenses and their impact on victims while at the same time being relieved of the guilt or rationalization that often accompanies criminal behavior.

Victims are able to directly confront the person who committed the crime and are often able to release their fear and anger, thereby putting the incident behind them. Both parties, then, are supposed to benefit.

Neutrality and sensitivity are essential characteristics of the successful mediator. Mediators are expected to aid the parties in reaching an agreement; they are not to advocate any specific course of action or requirement or enter into an adversary relationship with either the victim or offender. The Washington program sets forth five specific responsibilities for mediators:

- Explain the program to the parties.
- Elicit information required for drafting the agreement, ensuring that each participant has the opportunity to contribute.
- Prevent the participants from considering material not relevant to the contract.
- Explain the restitution guidelines to the parties and ensure that the agreement conforms to the guidelines.
- Once an agreement has been reached, explain the duties and responsibilities of each of the parties, the procedure for handling complaints about the agreement, and the consequences to the offender of a breach of contract.

Other Victim Services

Programs with mediation components tend to offer other victim services. These programs commonly develop brochures tailored for victims and witnesses, designed to inform victims prior to trial or disposition of their role as a witness and in the sentencing process (in cases where presentence reports are ordered after a finding of guilt). The brochures also explain the victim's right to receive restitution, how to document losses, other financial reimbursements for which victims may be eligible (including the State's victim compensation program), and the court's restitution program (see sample form).

Victim Impact Statements

The program must ascertain the victim's losses or injuries. Many courts ask victims to supply written statements for this purpose; these documents, now required in many State and all Federal courts, are known as "Victim Impact Statements."

There are two kinds of Victim Impact Statements. The first is restricted to a written, objective description of the medical, financial, and emotional injuries suffered by the victim. The second is broader, eliciting the victim's feelings about the crime and about punishment of the defendant. These statements can be completed either by the victim or by a third party: usually a probation officer, restitution program staffer, or the prosecutor. They can be presented in writing or orally, either by the victim or the third party (see sample form).

Assistance in Documenting Loss

To complete the task of determining restitution, many victims need help in documenting their losses. Although this task may seem straightforward, a number of difficult questions arise. Should the victim or the insurance company receive money beyond the deductible amount? Should missing items be reimbursed at their value when taken or at their replacement cost? Should missed work time be covered? What about disrupted leisure time? (Some programs compensate the latter at time-and-a-half of the victim's salary.) Even more complex are questions about psychological injuries—should victims be compensated for counseling? for how long?—and whether or not restitution is to be allowed for general damages, such as trauma or pain and suffering.

Victims may need help negotiating with their insurance companies—which may not automatically offer reimbursement for everything that should be covered. Often, restitution workers get to know insurance company policies better than many insurance agents.

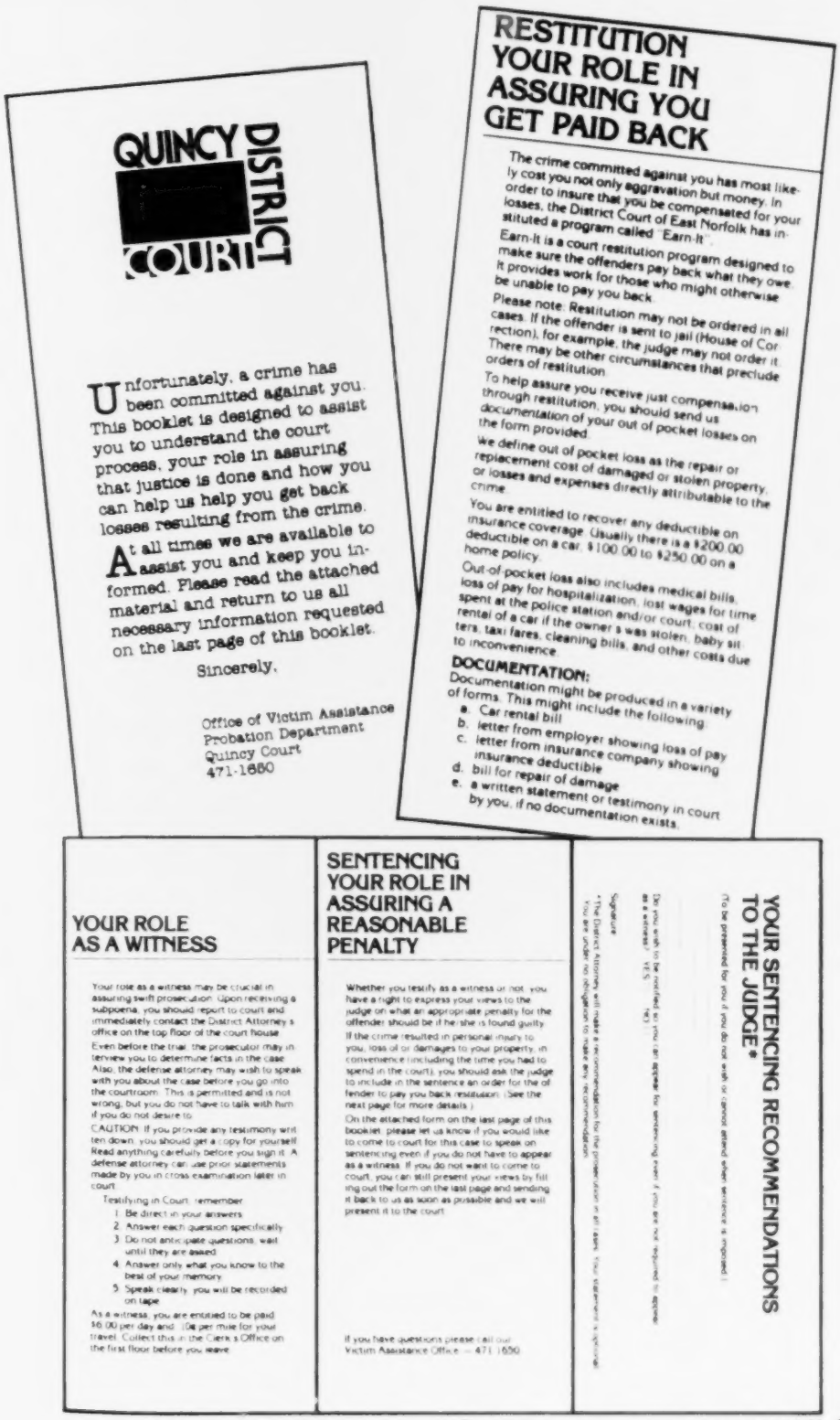
Victim Compensation

Many States have victim compensation programs that may provide financial compensation to eligible victims independent of restitution orders. Restitution programs should provide information to victims about compensation and whether or not they are eligible. Victims must also be informed of any civil options that remain open to them.

Finally, because the impact of the crime may be more than financial, the program may seek to provide other services to the victim. The victim may have trouble coping with the victimization; for example, his or her home may no longer seem as safe as it did before a break-in.

Victim services run the gamut, from help in preparing Victim Impact Statements to full-scale counseling programs to help the victim overcome the psychological effects of victimization. Although the need for the latter will vary from one victim to another, many victims suffer more than monetary losses. If nothing else, they need someone to whom they can explain their situation. If the offender has been caught, victims need someone to explain the court process and their role in that process.

Victim Notification Brochure, Quincy, Massachusetts



QUINCY DISTRICT COURT

Unfortunately, a crime has been committed against you. This booklet is designed to assist you to understand the court process, your role in assuring that justice is done and how you can help us help you get back losses resulting from the crime.

At all times we are available to assist you and keep you informed. Please read the attached material and return to us all necessary information requested on the last page of this booklet.

Sincerely,

Office of Victim Assistance
Probation Department
Quincy Court
471-1650

RESTITUTION
YOUR ROLE IN ASSURING YOU GET PAID BACK

The crime committed against you has most likely cost you not only aggravation but money. In order to insure that you be compensated for your losses, the District Court of East Norfolk has instituted a program called "Earn-It".

Earn-It is a court restitution program designed to make sure the offenders pay back what they owe. It provides work for those who might otherwise be unable to pay you back.

Please note: Restitution may not be ordered in all cases. If the offender is sent to jail (House of Correction), for example, the judge may not order it. There may be other circumstances that preclude orders of restitution.

To help assure you receive just compensation through restitution, you should send us documentation of your out of pocket losses on the form provided.

We define out of pocket loss as the repair or replacement cost of damaged or stolen property, or losses and expenses directly attributable to the crime.

You are entitled to recover any deductible on insurance coverage. (Usually there is a $200.00 deductible on a car, $100.00 to $250.00 on a home policy.

Out-of-pocket loss also includes medical bills, loss of pay for hospitalization, lost wages for time spent at the police station and/or court, cost of rental of a car if the owner's was stolen, baby sitters, taxi fares, cleaning bills, and other costs due to inconvenience.

DOCUMENTATION:
Documentation might be produced in a variety of forms. This might include the following:

a. Car rental bill
b. letter from employer showing loss of pay
c. letter from insurance company showing insurance deductible
d. bill for repair of damage
e. a written statement or testimony in court by you, if no documentation exists.

YOUR ROLE AS A WITNESS

Your role as a witness may be crucial in assuring swift prosecution. Upon receiving a subpoena, you should report to court and immediately contact the District Attorney's office on the top floor of the court house.

Even before the trial, the prosecutor may interview you to determine facts in the case. Also, the defense attorney may wish to speak with you about the case before you go into the courtroom. This is permitted and is not wrong, but you do not have to talk with him if you do not desire to.

CAUTION: If you provide any testimony written down, you should get a copy for yourself. Read anything carefully before you sign it. A defense attorney can use prior statements made by you in cross examination later in court.

Testifying in Court, remember:

1. Be direct in your answers.
2. Answer each question specifically.
3. Do not anticipate questions, wait until they are asked.
4. Answer only what you know to the best of your memory.
5. Speak clearly, you will be recorded on tape.

As a witness, you are entitled to be paid $6.00 per day and .08¢ per mile for your travel. Collect this in the Clerk's Office on the first floor before you leave.

SENTENCING
YOUR ROLE IN ASSURING A REASONABLE PENALTY

Whether you testify as a witness or not, you have a right to express your views to the judge on what an appropriate penalty for the offender should be if he/she is found guilty.

If the crime resulted in personal injury to you, loss of or damages to your property, inconvenience (including the time you had to spend in the court), you should ask the judge to include in the sentence an order for the offender to pay you back restitution. (See the next page for more details.)

On the attached form on the last page of this booklet, please let us know if you would like to come to court for this case to speak on sentencing even if you do not have to appear as a witness. If you do not want to come to court, you can still present your views by filling out the form on the last page and sending it back to us as soon as possible and we will present it to the court.

If you have questions please call our Victim Assistance Office — 471-1650.

YOUR SENTENCING RECOMMENDATIONS TO THE JUDGE*

(To be presented for you if you do not wish or cannot attend when sentence is imposed.)

Do you wish to be notified as you can appear for sentencing even if you are not required to appear as a witness? (YES) (NO)

Signature

* The District Attorney will make a recommendation for the prosecution in all cases. Your statement is optional. You are under no obligation to make any recommendation.

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Victim Impact Statement, Quincy, Massachusetts

Victim Impact Statement

STATE VS. _____

CASE # _____

SENTENCING DATE _____

TO ASSIST THE COURT IN ITS EFFORT TO WEIGH ALL FACTORS PRIOR TO IMPOSING SENTENCE, WE REQUEST YOUR VOLUNTARY COOPERATION IN COMPLETING THIS FORM. THIS STATEMENT IS INTENDED TO BE SUBMITTED TO THE JUDGE IMPOSING SENTENCE HEREIN.

NAME OF VICTIM: _____

ADDRESS: _____
STREET CITY STATE ZIP CODE

DATE OF BIRTH: _____

1. Please describe the nature of the incident in which you were involved.

_____

_____

_____

2. As a result of this incident, were you physically injured? _____

If yes, please describe the extent of your injuries.

_____

_____

_____

3. Did you require medical treatment for the injuries sustained? _____

If yes, please describe the treatment received and the length of time treatment was or is required.

_____

_____

4. Amount of expenses incurred to date as a result of medical treatment received: $ _____

Anticipated expenses: $ _____

5. Were you psychologically injured as a result of this incident? _____

If yes, please describe the psychological impact which the incident has had on you.

_____

_____

_____

6. Have you received any counseling or therapy as a result of this incident? _____

If yes, please describe the length of time you have been or will be undergoing counseling or therapy, and the type of treatment you have received.

_____

_____

_____

7. Amount of expenses incurred to date as a result of counseling or therapy received: $ _____

8. Has this incident affected your ability to earn a living? _____

If yes, please describe your employment, and specify how and to what extent your ability to earn a living has been affected, days lost from work, etc.

_____

_____

_____

Victim Impact Statement, Quincy, Massachusetts (continued)

9. Have you incurred any other expenses or losses as a result of this incident?_____
If yes, please describe.

_____

_____

_____

10. Did insurance cover any of the expenses you have incurred as a result of this incident?_____
If yes, please specify the amount and nature of any reimbursement.

_____

_____

_____

11. Has this incident in any way affected your lifestyle or your family's lifestyle? _____
If yes, please explain.

_____

_____

_____

12. Are there any other residual effects of this incident which are now being experienced by you or members of your family?

_____

_____

_____

13. Please describe what being the victim of crime has meant to you and to your family.

_____

_____

_____

14. What are your feelings about the criminal justice system? Have your feelings changed as a result of this incident? Please explain.

_____

_____

15. Do you have any thoughts or suggestions on the sentence which the Court should impose herein? Please explain, indicating whether you favor imprisonment.

_____

_____

_____

_____

THIS FORM IS SUBSCRIBED AND AFFIRMED BY THE VICTIM AS TRUE UNDER THE PENALTIES OF PERJURY. THE INFORMATION AND THOUGHTS YOU HAVE PROVIDED ARE VERY MUCH APPRECIATED.

DATE: _____

_____
SIGNATURE

Victim Advocates

Some programs have victim advocates trained to intercede on behalf of the victim. The advocate should explain the court process, make sure the victim finds the appropriate police or prosecutor's office, and ensure that the victim is heard before the prosecutor has a chance to plea-bargain. If the case reaches the court, the advocate helps the victim prepare a statement regarding the crime's impact, his or her opinion about an appropriate sentence, and a restitution request. Some jurisdictions give the victim a right to speak in court. The advocate then helps prepare the statement.

Outside the court, the advocate helps the victim deal with employers if the crime has resulted in missed work. The advocate may also help the victim with insurance and with social service agencies. The experience of many programs suggests that victims, particularly when encountering the alien and confusing world of the criminal justice system, need support and sympathy. Even if physical injury was involved, the emotional scars of victimization may be deeper and more troublesome in the long run. Victims can be referred to counseling where appropriate; other types of emotional support may also be needed. Most victims need to talk about the crime. Program staff should be willing to be active listeners. When victims feel that the system is unresponsive to their needs, they may suffer what psychologists call "the second injury."

Mediation allows a victim to confront the offender directly so that he or she will not feel so vulnerable in the future. Especially if the victim never saw the offender, he or she may be plagued by unrealistic fears that can be ameliorated by a structured encounter. A well-planned mediation session is a vehicle for resolving victims' needs and concerns as well as for addressing restitution issues.

Victim Financial Restitution

Victim financial restitution programs operate from a fundamentally different rationale than accountability, treatment, or mediation programs. The focus is not on holding offenders accountable, nor on reconciliation, nor on employment opportunities. Rather, the full attention of the program is on obtaining as much restitution for the victim as possible, at the lowest cost to the court.

Victim financial restitution programs of the 1980's also differ considerably from the victim-witness programs of the 1970's and should not be confused with them. The latter programs provided services to victims: advocacy services, referral to community resources, counseling, and the like. Victim financial restitution, on the other hand, is neither a social service agency for victims nor an employment agency for offenders. This model, as exemplified by the innovative program in Prince George's County, Maryland, is a product of three factors:

- Strong statutory authority for providing restitution to victims, including parental liability.
- A dedication to the idea that restitution programs should cost less to operate than the amount of restitution they produce.
- A lack of confidence in the ability of treatment-oriented probation departments to collect restitution in a cost-effective manner.

Because of the newness of this model, the program in Prince George's County (Upper Marlboro, Maryland) will be used as the primary example in the following discussion. Although programs in other parts of the country appear to be similar in their purpose and orientation, there is not enough information on them to develop many generalizations regarding the operation of this model.

Fundamental Decisions

Philosophy

The Judgment Restitution Program (JRP) in Prince George's County, Maryland, arose out of frustration and dissatisfaction with early efforts to implement offender-oriented restitution programs in juvenile courts.

Robert Custer, director of the JRP, expressed the problem this way:

> During the last decade, attention has focused on "social restitution programs"—a theory which suggests that if we compel perpetrators of juvenile crime to pay back the community—by some act of self sacrifice, the youngster will be deterred from future delinquent acts and the community will be satisfied that the child has learned his lesson. In the view of many, nothing could be further from the truth.

He continues with this indictment of the "social restitution program model":

> While social restitution programs have consumed large amounts of money and effort, most would agree that the results have fallen short of the mark. Victims of juvenile crime, in particular, see little value in social restitution programs (JRP Policies and Procedures Manual, 1984, p. 2).

Mr. Custer cites as an example the OJJDP-funded restitution program in Prince George's County, which cost more than a million dollars and returned only $60,000 in restitution. According to his figures, the Judgment Restitution Program, during its first 12 months of operation, with only one full-time employee, either collected or "programmed for collection" almost $300,000.

The Prince George's County program was implemented as part of several reforms instigated by Circuit Judge David Gray Ross. These reforms included:

- Substantial reduction in probation caseloads through the development of "inactive probation."
- Streamlining the case disposition process so that the time between arrest and sentencing was reduced to 2 weeks for 70 percent of the youths.
- Increasing the number of youths waived to adult courts.
- Routinely collecting court costs from parents.

The goals of the Judgment Restitution Program are totally focused on returning restitution to victims and charging the juveniles or parents for much of the program's administrative costs.

Statutory Authority

The Maryland statute (Section 3-829) provides that the court may enter a judgment of restitution against the parent or the child for actual loss, up to a maximum of $5,000 (see sample form).

This amount may be paid in one lump sum or in periodic payments. The Juvenile Services Administration (JSA), a State agency that provides probation services, is responsible for the collection of restitution "when the restitution order provides that restitution is to be made in periodic or installment payments, as part of probation, or pursuant to a work plan."

This statute altered the historic responsibility of JSA to monitor all restitution orders and be responsible for collection. Nevertheless, in most Maryland counties, JSA continued its role in collecting restitution. A position paper prepared by the State Department of Health and Mental Hygiene (DHMH) for the Maryland legislature in 1984 noted that, in 17 Maryland jurisdictions, the probation department

Statutory Authority for Restitution, State of Maryland

SECTION III—Legal Authority

The statutory authority for collection of restitution monies in the State of Maryland (of which Prince George's County is a part), is found in Section 3-829 of the Courts and Judicial Proceedings Article, Annotated Code of Maryland which provides as follows:

"§ 3-829. Liability for acts of child.

(a) The court may enter a judgment of restitution against the parent of a child, or the child in any case in which the court finds a child has committed a delinquent act and during the commission of that delinquent act has:

(1) Stolen, damaged, or destroyed the property of another;

(2) Inflicted personal injury on another requiring the injured person to incur medical, dental, hospital, or funeral expenses.

(b) Considering the age and circumstances of a child, the court may order the child to make restitution to the wronged party personally.

(c) (1) A judgment rendered under this section may not exceed:

(i) As to property stolen or destroyed, the lesser of the fair market value of the property or $5,000;

(ii) As to property damaged, the lesser of the amount of damage not to exceed the fair market value of the property damaged or $5,000; and

(iii) As to personal injuries, inflicted, the lesser of the reasonable medical, dental, hospital, funeral, and burial expenses incurred by the injured person as a result of the injury or $5,000.

(2) As an absolute limit against any one child or his parents, a judgment rendered under this section may not exceed $5,000 for all acts arising out of a single incident.

(d) A restitution hearing to determine the liability of a parent or a child, or both, shall be held not later than 30 days after the disposition hearing and may be extended by the court for good cause.

(e) A judgment of restitution against a parent may not be entered unless the parent has been afforded a reasonable opportunity to be heard and to present appropriate evidence in his behalf. A hearing under this section may be held as part of an adjudicatory or disposition hearing for the child.

(f) The judgment may be enforced in the same manner as enforcing monetary judgments.

(g) The Juvenile Services Administration is responsible for the collection of restitution payments when the restitution order provides that restitution is to be made in periodic or installment payments, as part of probation, or pursuant to a work plan."

The statute further provides as follows for the recoupment of costs:

"§ 3-820. Disposition; costs.

. . . (d) The court may impose reasonable court costs against a respondent, or the respondent's parent, guardian, or custodian, against whom a finding of delinquency has been entered under the provisions of this section . . ."

The above sections of the Maryland Code provide the legal basis under which the Juvenile Court pursues the collection of restitution monies and it is because of this strong legal base that the program has been successful.

was responsible for both the judgment orders and the periodic payments, but that only about 65 percent of the amount ordered was collected.

This same paper noted that an employment-oriented program in Anne Arundel County had been drastically cut because of its high cost ($138,000 per year), and that this model would not suffice for a State-operated approach.

The dissatisfaction with probation-operated restitution is made clear with this statement from the DHMH paper:

> ...while Juvenile Counselors are responsible for holding adjudicated juveniles accountable when restitution is ordered, the issue of restitution can often get in the way of counseling. Not always, but sometimes, the matter of restitution creates an adversarial atmosphere for the counselor, client, and his/her family.

The economic problems associated with establishing restitution programs independently from probation were viewed as insurmountable:

> While a separate restitution unit in each county and Baltimore City would be ideal for collection, disbursement and dunning, it wouldn't be economically feasible. However, counselors would be free to concentrate on counseling, while someone else would handle all matters pertaining to restitution.

The implementation of restitution in Maryland took a significantly different focus than in most other States; the conflict between rehabilitation-oriented probation services and victim-oriented financial restitution was clearly drawn.

Organizational Issues

The Prince George's County model represents an effort to establish a victim restitution program outside the auspices of probation, without incurring the costs of an entirely parallel system with joint case management responsibilities.

The JRP consists of one-and-a-half staff positions (the director and assistant) who use the resources of the Juvenile Master, the State Attorney's Office, the Victim Witness Coordinator, and the Juvenile Services Administration to implement, monitor, and enforce restitution orders. The JRP director reports directly to the Court, whereas the JSA is an executive branch of the State government. Hence, restitution in Prince George's County is entirely independent of probation services and enjoys an especially close relationship with the court and with the prosecutor.

Target Population

The target population consists of all adjudicated juveniles, regardless of the nature of their offense. As would be expected in a victim-oriented program, restitution is viewed as an essential debt to be paid to the victim, regardless of any other sanctions. And, since the judgment can be assessed against the parents or against the youth after he or she is released from an institution, there are no reasons to exclude any juveniles from the restitution requirements.

Juveniles in Maryland may enter into agreements at intake to pay restitution (as an informal diversion agreement), but these cases are handled entirely by probation rather than by the JRP. If the victim decides, within 30 days of the intake order, that he or she would rather press the matter in juvenile court, the JRP becomes involved in the case.

The Basic Process

The case management process involves the same essential steps as in any financial and community service restitution program; however, the specifics differ substantially.

Eligibility

All cases that are to be prosecuted by the State's Attorney are eligible for restitution orders from the court if there is an actual loss to a direct victim. Insurance companies are normally not eligible to receive restitution; in those instances where insurance companies have already reimbursed the victim, only the deductible is assessed.

When the case goes to the State's Attorney, the director of the Judgment Restitution Program is notified and initial contact with the victim is made.

Determining the Amount

The amount of restitution can be determined during a restitution hearing, or at the adjudicatory or disposition hearing. The Juvenile Master hears many of these cases and is instrumental in negotiating the restitution amounts. Victims are asked to document their actual losses—not estimates of damage—using purchase orders, repair bills, or medical bills to establish the fair market value. Under Maryland law there is no provision for "punitive damages," as in some other States. Because Maryland law permits parents to be held liable for up to $5,000, both the respondent and the parent have the right to counsel in juvenile court.

Information on the amount of loss documented by the victim is available to defense counsel.

The Restitution Plan

The Judgment Restitution Order is the form used in Prince George's County to show the court's decision and the payment schedule. The payment can be made in three different ways:

- Immediately at the hearing in a lump sum.
- To the Judgment Restitution Officer (the restitution program director) within 30 days.
- Through the County Accounting Division in accordance with a payment plan over the next 6 months to 1 year.

Another unique aspect of the Maryland law is that it permits the program to charge the youth or family a fee for handling the payments. There is no fee if the payment is made at the

hearing. A one-time fee of $25 is charged if the payments are handled by the director of the restitution program; a $50 fee is charged if the County Accounting Office handles the payments. There is an additional $25 fee if the payment plan extends beyond 6 months. These funds are justified on the grounds that they help offset the cost of the program (see sample forms).

Monitoring

If the restitution is not paid in a lump sum at the hearing, the orders are monitored by the probation department, as well as by the director of the program or by the County Accounting Division, depending on how the payments are made. Many youths who are paying restitution are on "inactive probation" which, according to some news accounts, has greatly reduced the active caseload of county probation officers.

Even though some of the responsibility for monitoring orders is with the probation department of the county, the director of the program, Robert Custer, clearly views "collecting the bills" as one of his chief functions. He attributes the extremely high collection rate (approximately 97 percent) to the fact that he regularly receives information regarding payments and is able to apply consistent enforcement principles.

Enforcement

If payments are not being made on schedule, the director of the program sends a letter to the offender and the offender's family (with a copy to the victim) urging them to pay and informing them of the "Rules Day" if they do not. The Rules Day hearing requires them to show cause for not paying. There are three outcomes: payment on the court day; a warrant for arrest of the youth or the parents (the latter only if the judgment was entered against them) if they do not appear; or an extension if there are legitimate reasons for having fallen behind.

Case Closure

Cases are closed when the youth or parent has made the final payment. There are no formal closure proceedings.

Discussion of the Model

The Prince George's County version of the victim financial model appears to be successful in returning as much restitution as possible for the smallest possible cost to the court. Their data indicate that it only costs about $.16 to return each dollar to victims. This is a much lower cost than that found in other programs.

Advocates of this approach cite the expense of offender-oriented programs as their chief objection to them, although some also may object, in principle, to the use of restitution to rehabilitate juveniles, since that seems to require the development of employment programs.

One of the more intriguing issues is why, while restitution has been accepted in most States as a means to rehabilitation through accountability, in Maryland it appears to have been rejected by the probation department (as interfering with their counseling and service roles).

The choice of this model, rather than mediation or the accountability-oriented financial and community service model, depends largely on values and on perceptions of effectiveness. If the primary goal of the jurisdiction is to minimize costs in the short run and return the maximum amount to victims, then a model similar to the one in Prince George's County would be preferred. If the primary goal is to hold juveniles accountable or to focus on other offender-oriented goals (rehabilitation, reduced recidivism) then models with a greater focus on offenders would be better. At this time, there is insufficient evidence regarding the impact of restitution—as practiced in Prince George's County—on recidivism to determine whether its savings in the short run are offset by higher recidivism rates than those found in the more offender-oriented programs.

Judgment Order, Prince George's County, Maryland

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS A JUVENILE COURT

MATTER OF:

_____ J.A. No. _____

This matter having been heard by the Court, it is this _____ day of _____, 19_____, by the Circuit Court for Prince George's County, Maryland,

ORDERED, that the Clerk of the Court enter a judgment in favor of

_____ of

_____ against

_____ of

_____ in the

amount of _____.

_____ _____
MASTER JUDGE

ORDER OF COURT STAY OF EXECUTION

Upon recommendation of the Judgment Restitution Officer, it is this _____ day of _____, 19_____, by the Circuit Court of Prince George's County, Maryland.

☐ 1. ORDERED, that the Court directed restitution be paid this date — no Judgment to be entered. Accounting fee waived; or

☐ 2. ORDERED, that a Stay of Execution of such judgment be ordered and that payments be made to the Judgment Restitution Officer in the victim's name within thirty days. A one time twenty five dollar fee is assessed payable to "Prince George's County", which is to be forwarded to the Court, along with the restitution payment in the self-addressed envelope provided for this purpose; or

☐ 3. ORDERED, that a stay of execution of such judgment be ordered conditioned upon the receipt of payments on the following schedule:

DATE DUE	AMOUNT

FURTHER ORDERED, that a cost of $50.00 be assessed against the payors and that such costs will be deducted from the first payment and that payments be made through the Accounting Division, Office of Finance, County Administration Building, Upper Marlboro, Maryland 20772, Attention: Restitution Accounts. Additional semi-annual accounting fees of $25.00 will be added if restitution period exceeds six months.

☐ FURTHER ORDERED that the Stay of Execution be set aside if payments are not made as ordered; and

☐ FURTHER ORDERED that the parties listed herein shall notify the Director, Judgment Restitution Program (962-4330) of any change of address or telephone number during the pendency of this order.

_____ _____
Director JUDGE

_____ _____
Payor Payee

P.G.C. FORM #3084 (2.85)

Stay of Judgment, Prince George's County, Maryland

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

_____
Date

In order to have the judgment that was entered against us in JA._____ stayed, we agree to the following terms:

☐ 1. To make payments as directed in the Order of Stay.

2. To pay $50.00 to cover the cost of deferred payments with additional $25.00 semi-annual accounting fees if restitution period exceeds six months.

3. To pay $50.00 in attorney's fees if we default on our payments at some later date.

☐ 1. To pay restitution in full by _____ through the Director, Judgment Restitution Program, with a one-time fee of $25.00.

2. To pay $50.00 in attorney's fees if we default on our payments at some later date.

_____

_____

_____

Witness:

_____
R.W. Custer,
Director, Judgment Restitution Program

Guide to Juvenile Restitution

MANAGING

PART III:
Implementation

Community Support and Public Relations

Staffing Patterns and Functions

Managing Restitution Payments

Implementing Management Information Systems and Evaluations

Written Materials

RESTTA

PART III

Implementation of the Restitution Program

Laura Crites and H. Ted Rubin, Institute for Court Management of the National Center for State Courts

Introduction

By the time the implementation stage is reached, the proposed program should have achieved the following:

1. Goals and philosophy—Determine the relative importance of offender accountability, victim reparations, and offender treatment.
2. Organizational decisions—Establish the program's organizational relationship to the court and to the probation department.
3. Program components—Decide which components the program will offer: financial restitution, community service restitution, victim services, victim-offender mediation, employment assistance components. If employment assistance components are to be a part of the program, decide the strategies to be used: job training, public sector positions, or private sector employment.
4. Policies and procedures—Establish major policies, including: eligibility criteria, whether restitution will be used as the sole sanction or added to probation requirements, and whether the program will accept diversion as well as postadjudication youth.
5. Liability issues—Discuss specific management issues and complete necessary research in such areas as liability and child labor laws.

A useful exercise for those implementing a restitution program is to develop a checklist of decisions to be made and actions to be carried out. The checklist should include most of the items discussed in this *Guide*, as well as specific issues relevant to the local program. The same checklist can be used by existing programs as a diagnostic tool to identify aspects that need attention.

The final stage in developing a restitution program is implementation. Specific actions usually undertaken during the final stages of program development are:

- Mobilizing community resources and developing a public relations strategy.
- Staffing the program.
- Setting up an accounting and disbursement system.
- Developing the management information system and evaluation plan.
- Preparing written materials, including forms and manuals.

Community Support and Public Relations

Community involvement is one of the most essential aspects of the success of a restitution program. It helps legitimize the program, facilitate funding, and provide important support in volunteer services. A new restitution program that does not involve the community runs the risk of having to diminish its program expectations, combat community resistance, and perhaps even redesign the program.

Successful restitution programs have devised several techniques for mobilizing community support and developing a continuing public education effort.

Programs have initiated contact with community and business leaders through articles in the local newspapers, television interviews, and speaking engagements. Juvenile court judges sometimes invite business leaders to discuss the proposed program over lunch or dinner. Media support, in particular, can be especially effective in communicating the merits of the restitution concept to the larger community.

Agencies and associations that may provide important contacts include social service agencies, mental health organizations, the local Urban League, service clubs (such as Kiwanis, Lions, and Rotary), the Chamber of Commerce, labor unions, school administrators, elected officials, police officials, and religious organizations.

Relationships between the program and the community not only need to be developed as the program is implemented, but also must be nurtured throughout its duration.

A program should also seek to develop allies among members of the juvenile justice community, including police, the district attorney, public defenders, probation officers (if the program is not merged with probation), and, most importantly, juvenile court judges. Without support from these key individuals a program can easily fail.

Restitution Checklist

1. **Program Goals/Philosophies**
   Discussed and reached agreement on importance of:
   - ☐ Offender accountability
   - ☐ Offender treatment
   - ☐ Victim reparations
   - ☐ Recidivism
   - ☐ Other: (list)

2. **Program Components**
   Determined which components to include:
   - ☐ Financial restitution
   - ☐ Community service restitution
   - ☐ Victim-offender mediation
   - ☐ Other services to victims
     - ☐ Loss documentation
     - ☐ Needs assessment
     - ☐ Referrals
     - ☐ Advocacy
     - ☐ Assistance with civil actions
     - ☐ Assistance with compensation fund
     - ☐ Other
   - ☐ Structured employment components
     - ☐ Job training
     - ☐ Private sector positions
     - ☐ Public sector positions
     - ☐ Subsidies

3. **Organization and Relationship to the Juvenile Justice System**
   - ☐ Established the organizational relationship of the program with the court and with probation
   - ☐ Reached agreement on the roles, responsibilities, and coordination with
     - ☐ Probation
     - ☐ Judicial
     - ☐ Prosecution
     - ☐ Defense
     - ☐ Police
     - ☐ Others

4. **Policy Guidelines**
   - ☐ Developed eligibility criteria for program
   - ☐ Established criteria for determining amount and type of restitution
   - ☐ Determined whether restitution will be the sole sanction, or will be combined with probation requirements
   - ☐ Decided whether program will accept diversion youth
   - ☐ Decided on criteria for termination and re-referral to court
   - ☐ Researched the legal issues
   - ☐ Made decisions regarding purchase of insurance or other system for handling liability problems

5. **Management Information System and Evaluation**
   - ☐ Developed necessary forms
   - ☐ Developed written guidelines for
     - ☐ juveniles
     - ☐ probation
     - ☐ work site supervisors, etc.
     - ☐ others
   - ☐ Developed a Policy and Procedures Manual incorporating forms, guidelines, and other materials
   - ☐ Determined the type of evaluation and the information needed

6. **Community Support and Public Relations**
   - ☐ Developed brochures or pamphlets
   - ☐ Contacted associations and individuals to elicit their support
   - ☐ Developed a newspaper and media campaign and encouraged feature stories about the program
   - ☐ Prepared letters of appreciation and support
   - ☐ Selected an advisory board
   - ☐ Planned an annual report

7. **Staffing**
   - ☐ Identified numbers and types of staff needed
   - ☐ Identified potential agency sources for staffing needs
   - ☐ Determined need, if any, for volunteers
   - ☐ Developed job descriptions and roles for volunteers
   - ☐ Determined roles and responsibilities of program staff:
     - ☐ Job training
     - ☐ Counseling
     - ☐ Collecting and disbursing funds
     - ☐ Case monitoring
     - ☐ Liaison with private or public employers
     - ☐ Mediation
     - ☐ Victim advocacy
     - ☐ Community relations
     - ☐ Other
   - ☐ Written job descriptions
   - ☐ Determined need for staff training and how to obtain it

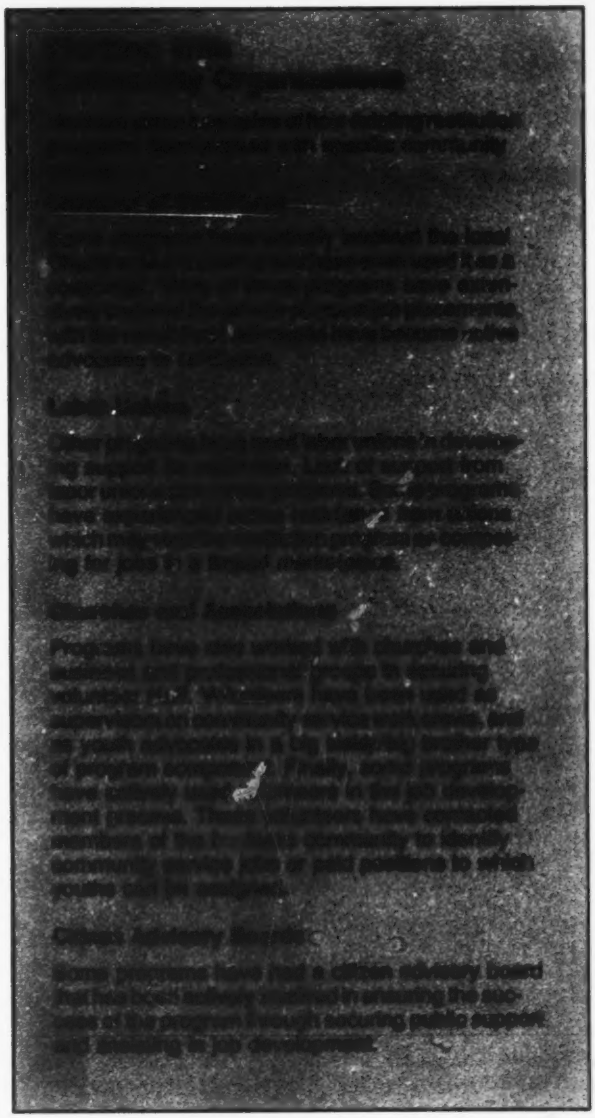
Staffing Patterns and Functions

Four questions need to be resolved regarding program staffing:

- Will the program rely on existing staff, will new positions be created and funded with new monies, or will resources be reallocated?
- How many case managers are needed and what is a reasonable caseload?
- What use, if any, will be made of volunteers?
- What type of staff training is needed?

Source of Staff

If the program is to be located in an existing agency, such as the probation department, it is likely that many of its tasks can be integrated into that agency's existing work. There



are, however, some aspects of restitution that require skills, interests, and training that are different from those usually found in juvenile court settings.

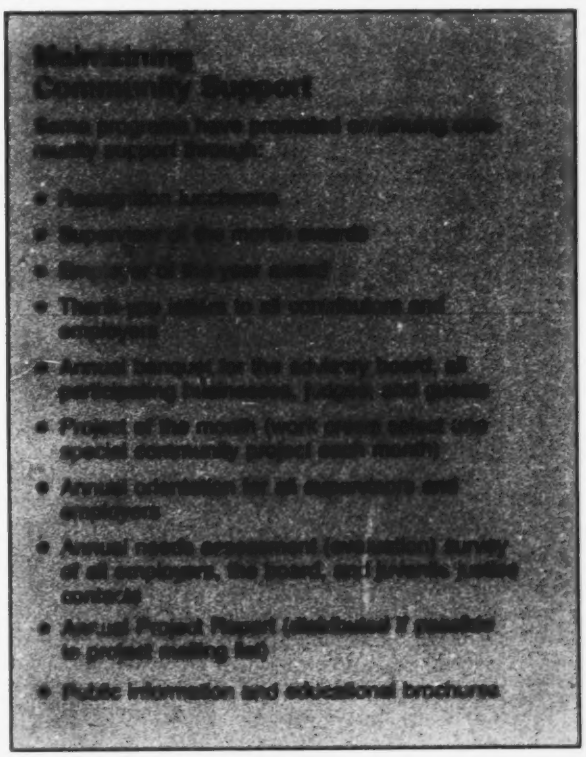
Restitution tasks that are often assigned to existing personnel include administrative and clerical functions, accounting tasks (especially collection and disbursement), and case management responsibilities. Many probation-based programs rely upon probation officers to implement and monitor restitution orders. Others, however, separate the probation and restitution requirements by hiring staff who specialize in restitution. These positions are either created and funded with additional revenue or operate with funds reallocated from other units.

Whether or not restitution functions can be allocated to existing staff depends on the nature of the program. Many restitution programs develop components that may require specialized staff. For example, probation officers may be willing to handle the case management tasks of restitution, but may not wish to double as supervisors for youths assigned to work crews. Similarly, programs that intend to develop public or private sector positions for youths may find that probation officers are less than enthusiastic about becoming job developers.

Many programs identify a single staff person who specializes in job development or community relations work. These positions require considerable public relations skills—contacting community groups and local businesses, making speeches before community organizations, writing news releases, and following up on contacts until a sufficient number of positions have been found.

Programs that focus on victim-offender mediation find that they need a trained mediation specialist with the skills to train others.

Programs that emphasize collection and enforcement (such as the Prince George's County, Maryland, Judgment Restitution Program) need staff with quite different skills. Staff in these programs should be excellent negotiators, should emphasize "fairness with firmness," should be skilled in victim loss assessments and bookkeeping, and should be knowledgeable about court procedures.



Caseloads

Caseload refers to the number of juveniles for whom an employee is responsible. Workload refers to the amount of work associated with each case, plus employees' other duties.

A caseload or workload varies tremendously among restitution programs, apparently reflecting differences in programs' philosophy and operational characteristics. In one program, in which restitution counselors are responsible only for restitution requirements, the caseload averages 82 youngsters. In that program, the restitution officers sometimes serve as victim-offender mediators.

One private nonprofit program that provides intensive community service supervision limits caseloads to 17 juveniles. Many programs that have program-supervised work crews limit the caseload to five juveniles per supervisor. Alternatively, in Prince George's County, where the program director is responsible exclusively for case tracking and enforcement, rather than case management, community relations, or employment, the caseload is more than 600.

Among the 59 programs that provided data regarding caseload in the 1984 Program Inventory, more than half reported caseloads of less than 25 and only eight (14 percent) had caseloads of more than 100.

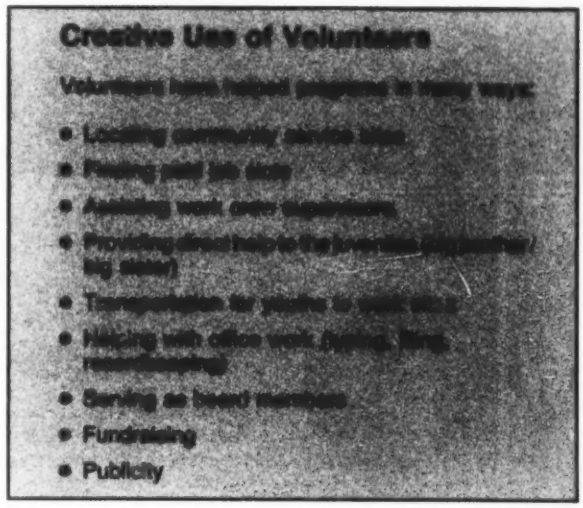
One way to determine a desirable norm for caseloads and workloads is to develop a system of workload measures. The average length of time required by each subfunction can be charted and multiplied, for example, by the number of times each function is performed during a month. Times can be estimated for such functions as letter writing and telephone calls, initial interviews, liaison interviews, job site visitations, conferences with juveniles and parents, appearances in court, and so forth. Other periodic factors, such as staff meetings, supervisory conferences, and training, can be estimated on a monthly or annual basis.

Knowing how much time is required for each case, and how many work hours there are per month, enables a calculation of how many cases can be served. Still, this optimum caseload must fit the number of job slots supported by the agency's budget.

There are no national caseload or workload standards for restitution. Unlike probation, the work of restitution counselors is not yet standardized enough to develop national norms. Also, the great variability in approaches and responsibilities produces differences in caseloads.

Volunteers

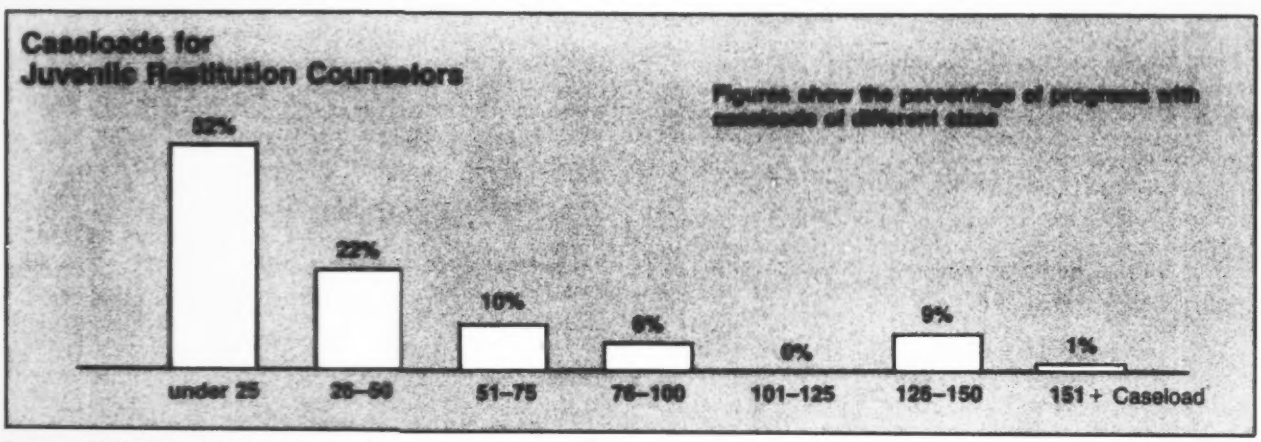
Volunteers enrich the program's services to youngsters, expand the community's contribution to the program, reduce the insulation of a restitution program, and provide resources beyond those that the program can afford on its own.



As with paid employees, attention should be given to the types of volunteers recruited. Job descriptions should be developed, there should be supervision and training for volunteers, and program staff should periodically evaluate their performance.

Staff Training

New staff members should receive an initial orientation on agency philosophy, policies and procedures, work style and workload, the local juvenile justice system, and the community environment. The training officer needs to include such elements as relationships with job sites, the agency's approach to restitution payments and disbursements, and relationships with the juvenile justice system. Training should not be a single-shot, 2-hour experience. It is ongoing.



From the RESTTA Program Inventory Survey

Programs need continuous training in interview and counseling methods, as well as more specialized training. For work crew supervisors, for example, training may be needed in disciplinary techniques as well as in the specific tasks the youths will be expected to complete and the tools they will use while working (see sample form).

Managing Restitution Payments

Programs need procedures regarding how money will actually be transmitted from the juvenile to the victim. For example:

- What records should be kept and who should keep them?
- In what form can the money be paid—cash, check, cashier's check, money order?
- Who can receive money—probation officer, restitution agency worker, or only specified fiscal staff who are bonded?
- Will administrative surcharges be required for handling payments?
- When shall the money be disbursed to victims?
- How shall the money be disbursed when there are multiple victims or multiple payers?

Recordkeeping

One approach, used by the Dakota County (Hastings, Minnesota) restitution program, involves three ledgers:

- An accounts receivable or offender ledger. This ledger card includes the juvenile's name, case number, victim's name and address, amount ordered, timeframe requirements, date and amount of payments made, and date and amount of payments disbursed to the victim.
- An accounts payable or victim ledger. This card lists the victim's name and address; the juvenile's name, address, and case number; the amount owed; the date and amount of payments made showing the balance owed; and the date and amount of disbursements.

There is one card per victim. Where more than one juvenile is responsible for damage or loss, the codefendants will be shown on the single victim ledger. The offender ledger and the victim ledger are cross-referenced.

- Control account ledger. This lists all amounts ordered, all payments made by juveniles, and all balances owed. The total should equal the total of all offender ledger cards. Each month a staff member runs these totals to ensure that accounts are in balance.

This restitution program maintains a trust checking account; all payments are paid into and disbursed from it.

Many programs provide the juvenile with a restitution account form showing the total due. There are spaces where he or she can fill in each payment as it is made and calculate the amount still owed. Some programs have a fiscal officer who mails quarterly statements of the account to both the victim and offender.

Form of Payment

Most programs permit restitution to be paid in any form, including cash, checks, or money orders. Although programs may prefer not to accept cash, due to the potential for staff abuse or outright fraud, this is the type of money juveniles are most likely to have since most do not maintain bank accounts. One program requires that only money orders be used. This ensures that no bad checks are received, but payments are delayed and the juvenile has to take the cost of the money order out of his or her earnings.

Recipient of Payment

Payments are made to probation officers, restitution agency representatives, clerks of court, county accounting offices, and directly to victims. Many programs limit the recipients of money to the clerk's office of whatever agency is responsible for receiving payments. If program personnel are responsible for receiving payments, a specific individual should be identified to handle this responsibility and proper control procedures should be established. Funds should not be sent directly to victims by the juvenile unless the program has developed a system of receipts and notifications. Even so, this procedure may result in some payments not being officially recorded.

Administrative Surcharges

Administrative surcharges are applied in some jurisdictions when full payment is not made by the date an order is issued. Programs that emphasize collection, such as the Prince George's County program, use this technique to encourage both lump sum payments and immediate recovery by the victim. The surcharge in Maryland has been established by legislation and is 2 percent of the restitution amount.

In Prince George's County, there is a charge of $50 if payments are handled by the county accounting office and are made within 6 months of the order. An additional $25 is charged on accounts that extend beyond 6 months. The surcharges are not subtracted from the victim's payments but are add-ons to the offender's requirements. Administratively, the surcharges are taken from the account before payments are made to victims.

Some programs also subtract other payments—public defender fees, juvenile detention fees, and court costs—before making payment to the victim.

Timing of Disbursements

Some organizations disburse to victims with each payment made by a juvenile. In others, partial payments are held until the full amount has been accumulated before the victim receives anything. The former is clearly a better procedure from the victim's point of view, but it requires more staff. Some programs disburse to the victim each 6 months unless payments are made earlier in full.

One county accounting office waits 5 weeks for the check to clear (and the interest to accumulate) before sending the

Work Project Supervisor Training, Wake County, North Carolina

County of Wake
Juvenile Restitution

P.O. Box 550 • Raleigh, N.C. 27602 • 919/755-6524

Worksite Supervisor Training

I. First Session (2 hours)

A. Introductions and Overview of Training
1. Introductory exercise
2. Discussion of Supervisor's/Director's expectations of training
3. Official employee sign-up as county employees--Payroll Dept., Room 802, Wake County courthouse, Jeanette Maultsby
4. Filmstrip--Juvenile Justice, Society's Dilemma
5. Overview of training--use of handbook, list of supervisors

BREAK

B. Operational Information
1. Juvenile Court definitions
2. The N.C. Juvenile Justice system--flow chart
   a. Purpose
   b. Procedures
3. The Wake County Juvenile Restitution Program--flow chart
   a. Purpose
   b. Procedures
   c. Common referral offenses
   d. Assignment of community service hours
   e. Slides of the Wake County Juvenile Restitution Program

II. Second Session (2 hours)

A. Warm-up Exercise

B. Responsibilities of Worksite Supervisors
1. Job description
2. Job responsibilities
3. Training clients

BREAK

C. Client Management Theory and Practices
1. Behavior modification theory
2. Application of behavior management techniques
3. Juvenile's handbook
4. Rating client behavior
   a. Characteristics of clients
   b. Exceptional clients
   c. Rating behavior on the client's worksite report

III. Third Session (2 hours)

A. Roles of Worksite Supervisor
1. Authority figure--manager of people
2. Role model
3. Informal counselor

Work Project Supervisor Training, Wake County, North Carolina (continued)

a. Creative communications
b. Passive listening
c. Active listening
d. Effective ways of confronting youth
e. Awareness in listening
f. List of feelings
g. Ways to give feedback in a crisis situation

BREAK

B. Values Clarification Techniques
1. What is it?
2. Practice exercises
3. Discussion--values of supervisors versus values of clients

C. Group Activities at Worksites

D. Discussion of Problem Situations at Worksites

E. Volunteer Work Experience

F. Sample Program Forms

G. Summary of Program Policies

county's check. Another program immediately dispatches the actual check paid to the victim without writing a county check.

Multiple Victims

When there are multiple victims, some programs fully reimburse one before initiating payment to others; other counties disburse in proportion to the victims' losses. If proportional disbursements are not made, the program will have to develop priorities for distribution. One program fully reimburses government "victims" before paying individual victims, although others give priority to individual (rather than institutional) victims.

Implementing Management Information Systems and Evaluations

The purpose of a management information system (MIS) and an evaluation plan is to provide the manager with information from which management decisions can be made, programmatic projections can be developed, the program's Annual Report can be prepared, and other educational or public relations materials can be prepared. (Because the *Guide* contains a detailed presentation of both topics in a later section, the discussion here will emphasize only the high points of implementing the MIS and the evaluation plan.)

A management information system provides the basis for both administration and evaluation. These require not only that the program develop adequate forms upon which to capture needed information, but also require good recordkeeping. Without good records a program will be unable to document its successes, determine whether it is meeting its goals, or respond to questions regarding the progress of cases. If the staff cannot keep track of cases, they run the risk of losing credibility with the courts.

Case recordkeeping begins with client intake. The intake form contains the data elements needed for administrative and evaluation purposes—basic information about the youth and the victim, a description of the offense and prior history of the youth (to determine eligibility and to assess characteristics of the program's clients), information about the victim, and a summary of the restitution plan.

A case progress form and a case closure form are also essential to the administration and evaluation of the program (see sample forms).

The case progress form provides information on the continuing status of the case. Some programs assign each case a unique number and keep records accordingly. Thus, if a youth is involved in two different offenses requiring restitution, the program will have two separate files. This is good for statistical purposes, but to avoid administrative confusion, each youth should also have a unique number that will permit caseworkers to find all cases involving him or her.

Programs have developed different ways of tracking the case through its various stages, including use of a log book, a card system (with the card refiled at each stage), or regular updates on a case progress report.

The case closure form is the primary instrument for obtaining evaluative information, including summaries of the number of cases, amount of restitution paid, proportion of youths who committed subsequent offenses while in the program, and successful completion rates. Hence, this form must contain these data elements for each case when it is closed.

A management information system also requires statistical recordkeeping on some aspects of program activities that are not related to specific cases. The number of staff, the number of community service agencies, the total expenditures on restitution functions, and the number of different employers who accepted clients are examples of non-case-specific data that are needed. Caseload, for example, requires information on the number of youths in the program, the length of time they are in the program, and the number of staff. Cost per case requires data on the cost of the program and the number of cases handled.

Most programs will find it advantageous to produce regular monthly or quarterly statistical reports from their case-specific data (and perhaps from other data as well), as these reports provide an ongoing source of information regarding the cumulative amount of restitution paid, total number of hours worked, and so forth. Such information is very useful in public relations work, especially in conjunction with newspaper or media coverage (see sample forms).

Because most information in these reports must be prepared from case-specific forms, program personnel should carefully examine their forms to ensure that the summaries they need for quarterly or annual reports can be compiled.

Written Materials

Written materials are essential to good management. In addition to their intrinsic value in the management of the program, the process of preparing them serves an important function in finalizing programmatic goals, policy guidelines, and procedures.

Manuals

Many programs produce a policies and procedures manual that offers in one written document the program's history, philosophy, operational procedures, and guidelines. Preparing this manual often forces management to clarify decisions made at earlier stages in the planning process. This document is not only an important management tool, but can be used for staff training and in the ongoing public relations campaign that is so important to a successful restitution program (see sample forms).

Individual Intake Statistical Report

Project _____

City or County & State

INSTRUCTIONS: Fill out one form for each youth.

Restitution File No. _____

Court File No. _____

Date of Referral to Program _____
month day year

Evaluation Group _____

New Referral _____ Return Referral _____

FOR PROGRAM USE ONLY

1. Offender Information

Date of Birth _____
month day year

Sex
- male
- female

Race
- white
- black
- _____ (other)

School: full time; not in school; other (_____)

Number of prior delinquent offenses _____

2. Offense Information (current charge)

Date of Offense _____
month day year

How many victims were there? _____

Have other youths already been referred to the project for this specific incident (i.e., co-offenders)?

No; Yes (if Yes) list the restitution file numbers of co-offenders

_____

_____

_____

Offense code or type _____

Description of offense _____

_____

_____

_____

_____

3. Type of Victim

- person
- household
- school or public property
- store or business
- other (_____)

4. Victim Loss from this Offense

Actual amount documented loss on adjudicated offense(s) $_____

Total amount recovered or paid by other sources, not counting restitution from this offender $_____

Amount of restitution already paid by or on behalf of this offender independent of project $_____

5. Court Actions (check all that apply)

- restitution
- court probation
- nonsecure out-of-house placement
- secure facility (number of days _____)
- commitment to State corrections agency
- counseling
- other (_____)

6. Victim Services (check all that were provided by project)

- letter sent to victim to document loss
- face-to-face negotiation meetings (victim and offender)
- victim interviewed to document loss
- victim interviewed for _____
- other contacts with victims _____

7. Details of the Restitution Plan

Type of Restitution	Project Recommendation	Ordered by the Court	Expected Date to Begin Work	Date Required to Complete
(a) Monetary Restitution	$_____	$_____	_____ month day year	_____ month day year
(b) Unpaid Community Service Hours	_____	_____	_____ month day year	_____ month day year
(c) Victim Service Hours	_____	_____	_____ month day year	_____ month day year

8. Expected source of monetary restitution

$_____ from youth

$_____ from parents/family

$_____ from other (_____)

$_____ loan to youth (from: _____)

9. Source of youth's restitution funds

- employment found by youth
- employment found by project
- employment found by other
- youth's savings ($_____)
- other (_____)

10. Type of employment, work, or service

- subsidized employment
- regular employment
- victim service
- unpaid community service
- other (_____)

What percent of the youth's earnings will be kept by the youth?

_____%

Is the onsite supervision done by project personnel?

- Yes
- No

11. Other information

_____

_____

_____

_____

_____

_____

Form completed by: _____

From the 2-Year Report on the National Evaluation of the Juvenile Restitution Initiative

Case Progress Form, Dakota County, Minnesota

Dakota County Juvenile Court

RESTITUTION PROGRAM
Hastings, Minnesota

Case Progress Form

Re: _____ Phone: _____
Address: _____
Court file # _____ Restitution case # _____
Date of first hearing: _____ Date of disposition: _____
Date of next review: _____
_____

P.O. file screened: _____
Information form #105 completed: _____ Date: _____
P.O. file returned to: _____ Date: _____
(Probation Officer)
Police report obtained: _____ Date: _____
Victim(s): 1. _____ _____ _____
Name Address Phone
2. _____ _____ _____
Name Address Phone
Victim(s) letter (#310) and Damage/Loss Statement (#300) sent: _____

1. _____ _____ _____
Date Call due by Statement due by

2. _____ _____ _____
Date Call due by Statement due by

Victim(s) statement received: 1. (Date) _____ 2. (Date) _____

Victim(s) loss/damage

1. _____ _____ _____
Item Amount O.K.
_____ _____ _____
_____ _____ _____
_____ _____ _____

2. _____ _____ _____
_____ _____ _____
_____ _____ _____

Monthly Report, Dakota County, Minnesota

Dakota County Juvenile Court

RESTITUTION PROGRAM
Hastings, Minnesota

Monthly Statistics

Month of:_____ 19____
Restitution Probation Officer:_____

****

I. Contracts from previous month: _____
Number of referrals for current month: _____

Burnsville	_____	West St. Paul	_____
Apple Valley	_____	So. St. Paul	_____
Rosemount	_____	Mendota Heights	_____
Lakeville	_____	Inver Grove Hts.	_____
Farmington	_____	Hastings	_____
Eagan	_____	Other	_____
		Subtotal	_____

Number of cases terminated during month: _____

Successful:	_____	No Order:	_____
		Fined:	_____
		Transfer Venue:	_____
Unsuccessful:	_____	Dismissed:	_____
Partial Success:	_____	No Contract:	_____
		Placed:	_____
		No Loss:	_____

End of month caseload: _____

II. Number of $ paid of victims during month: $_____
By number of youth: _____
Number of $ paid to charity during month: $_____
By number of youth: _____
Number of service hours worked for victims during month: _____
By number of youth: _____
Number of service hours worked for community during month: _____
By number of youth: _____
Number of youth participating in self-restitution during month: _____

III. Year to date:
Total $ paid to victim year to date: $_____
Total $ paid to charity: $_____
Total number of hours worked for victim YTP: _____
Total number of hours worked for community YTP: _____

IV. Victim offender conferences held: _____
Individual victims: _____
Institutional victims, stores: _____

Monthly Report, Wake County, North Carolina

County of Wake
Juvenile Restitution

P.O. Box 550 • Raleigh N.C. 27602 • 919 755-6524

Statistical Summary on Court-Ordered Restitution Cases
(July 1, 1983 to June 30, 1984)

*Note: These data do not exemplify a typical 12-month period due to a staff vacancy.

		Number	Percent
1.	Total number of referrals to Juvenile Intake Office	503	
2.	Number of property offense referrals	338	67%
3.	Number of property offenses diverted from court by Juvenile Intake Office	86	25%
4.	Number of property offenses referred to court by Juvenile Intake Office	252	75%
5.	Number of referrals to Restitution Program		
	a. Community Service	67	
	b. Monetary	9	
		76	30%
6.	Number of clients who successfully completed restitution obligation (includes carry-over clients from FY 82-83)		
	a. Community Service	48/54	89%
	b. Monetary	2/4	50%
7.	Number of clients (satisfactorily) released from restitution obligation		
	a. Community Service	4/54	7%
	b. Monetary	2/4	50%
8.	Number of clients terminated unsatisfactorily from restitution obligation		
	a. Community Service	2/54	4%
	b. Monetary	0/4	0%
9.	Demographic data on client population:		
	Male	63	83%
	Female	13	17%
	White	33	43%
	Black	43	57%
	Exceptional (emotionally disturbed, learning disabled, mildly retarded)	18	24%
	Average age	14.18	
	Natural parents marital status:		
	a. Married	25	33%
	b. Not married	51	67%

Monthly Report, Wake County, North Carolina (continued)

10.	Number of clients referred who had previous court history	7	9%
11.	Number of clients with a prior court history who successfully completed program (comm. serv. and monetary)	5/7	72%
12.	Number of clients with prior court history who were released (satisfactorily) from program	1/7	14%
13.	Number of clients with prior court history who were unsatisfactorily terminated from program	1/7	14%
14.	Recidivism data:		
	Number of clients who successfully completed program and did not commit:		
	a. Violation of probation	47/58	81%
	b. New delinquent offense	45/58	78%
	Number of clients terminated from program unsatisfactorily who did commit:		
	a. Violation of probation	0	0%
	b. New delinquent offense	0	0%
	Number of clients released from restitution obligation who committed:		
	a. Violation of probation	2/4	50%
	b. New delinquent offense	2/4	50%
15.	Types of offenses of clients referred:		
	Breaking, entering, and larceny	23	30%
	Larceny	20	26%
	Breaking and entering	5	7%
	Property damage	3	4%
	Unlawful concealment/shoplifting	13	17%
	Other	12	16%
16.	Number of clients referred to program who have been victims themselves	40/67	60%
17.	Average number of community service hours assigned to each client	39.97	
18.	Average number of client referrals per month		
	a. Community service	5.58	
	b. Monetary	.75	
19.	Number of clients transported by staff to worksites	27/67	40%

Monthly Report, Wake Cou[illegible] North Carolina (continued)

20.	Referral sources:		
	Juvenile intake counselors	53	70%
	Juvenile court counselors	10	13%
	Court (judges)	10	13%
	Other (Haven House)	3	4%
21.	Total number of community service hours worked	2,234	
22.	Total amount of restitution paid to victims	$337.00	
23.	Total number of cases with no documented loss or victim	45/76	59%
24.	Total number of cases with documented victim loss	31/76	41%
25.	Total amount of documented loss to victims	$9,993.23	

Statistical Summary on the Volunteer Work Experience

(January 1, 1984 to June 30, 1984)

1.	Total number of Willie M. clients referred to this component by the Wake Co. Juvenile Treatment System	8	
2.	Number of Willie M. clients who successfully completed their voluntary community service work	4/8	50%
3.	Number of Willie M. clients who voluntarily withdrew from the Volunteer Work Experience	3/8	38%
4.	Number of Willie M. clients who have been referred but have not yet begun their voluntary community service work	1/8	12%

Procedural Manual, Dakota County, Minnesota

Dakota County Juvenile Court

RESTITUTION PROGRAM

Hastings, Minnesota

Procedural Manual

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In addition to the procedural manual, a program may decide to prepare manuals for work site supervisors and for the juveniles.

The work supervisor, who may not be an integral part of the restitution program staff, often has a separate function that requires different operational procedures. A manual for work site supervisors can focus on these particular responsibilities, and provide reference material for carrying them out. The Raleigh, North Carolina, restitution program initiates work site supervisors into the program with a full-day workshop. As part of this training program and as a continuing reference source for supervisors, the Raleigh and Sanford, North Carolina, programs have developed manuals that include a job description and a clarification of their responsibilities in relation to the program director and to the juveniles.

These manuals also contain information on unique characteristics of the client group, providing recommendations to the work site supervisors regarding communications and positive reinforcement (see sample forms).

The supportive tone of the work site supervisors' manual helps to reinforce the philosophy of the restitution program. For example, the supervisor is instructed to "go out of your way to commend an employee for a job well done. When necessary, reprimand in private."

Written manuals of a similar nature could be prepared for volunteers or for other persons with whom intensive coordination is required. These serve an ongoing informational purpose as well, since review or updating of the manual can be used to resolve problems.

A final type of manual is addressed to the juvenile. This manual generally sets forth the youth's responsibilities in the program, discusses the goals of the program, and clarifies the behavior, attitude, and other criteria upon which the youth will be evaluated.

The supportive tone of the juvenile handbook prepared by the Raleigh, North Carolina, restitution program follows that established in the supervisor's handbook.

Within the juvenile handbook is a copy of the client behavior report (which the supervisor fills out) as well as suggestions for job hunting and conducting a job interview.

Restitution Program Forms

In addition to the written manuals, a program needs to prepare standard forms to address its procedures and provide information for the management information system. Although examples of forms have been given throughout the *Guide*, a summary of several different types of forms will be presented here. Samples follow the end of the chapter.

General Administration and Management

The most important forms for the management information system are the case intake, case progress, and case closure forms, discussed above. In addition to these, however, many programs find that other forms are needed to support the MIS or for other administrative purposes.

- Prescreening form. The prescreening form provides the program, the probation officer, and the judge with information to assess the eligibility of the youth for the program. This form is normally filled out by the probation officer or by whoever conducts intake for the restitution program.
- Restitution recommendation. The type of restitution recommendation form that is developed will depend on the nature of the restitution program and the restitution authority. This form indicates the court's findings and includes comments regarding the case hearing. The example offered here reflects a restitution program in which the requirement is ordered by the court. Other programs may want to develop a restitution recommendation form that reflects their particular process of determining restitution.
- Agency agreement. It is valuable for a restitution program to have a contract or agreement with the community service agency or employer. Such a contract addresses the reciprocal responsibilities of the agency and the program.

Forms Involving Youths and Parents

These forms normally require the signature of both the youth and parent. They generally take the form of a contract with the restitution program. These forms include:

- Letter regarding appointment with restitution program. The letter of appointment is addressed either to the parent or guardian, to the youth, or to both, depending on the involvement of the parent in the restitution program. This letter provides the location and time of the appointment.
- Restitution agreement. Restitution agreements may be signed solely by the youth, or by the youth, the parent, and the restitution staff. The contract ensures that the conditions of the restitution order are fully understood by everyone. It is important that the conditions of the restitution requirement be sufficiently clear that acts of violation or noncompliance will be understood as such.
- Termination or successful completion. Programs deal with termination or completion of the restitution requirements in various ways. Nearly all programs provide a completion form to the court or program file. Some programs also provide a completion form to the juvenile and a letter of completion to the parent and to the victim. Programs may request a termination conference with the client, or may close the case with a questionnaire addressed to the youth and to the parent. This provides the program with feedback on the perceived effect of participation on the child and on his or her relationship with parents. Some programs also provide a letter of reference to be used by the youth in later employment efforts.

Manual for Work Supervisors, Wake County, North Carolina

County of Wake
Juvenile Restitution

P.O. Box 550 • Raleigh, N.C. 27602 • 919/755-6524

Manual For Work Supervisors

I. History

Purpose

Goals

Process guidelines and flow chart

Glossary of terms

Matrix

II. Staff--responsibilities and understanding clients

Job descriptions

Skills training for clients

Behavior management approach

Characteristics of clients

Rating client behavior at worksites

III. Communications skills

Creative communications

Passive and active listening

Ways to give feedback in a crisis situation

Values clarification

IV. Rules and procedures

Explanation of forms

Manual for Juveniles, Wake County, North Carolina

County of Wake
Juvenile Restitution

P.O. Box 550 • Raleigh, N.C. 27602 • 919 755-6524

Juvenile's Handbook

I. Why am I in the Wake County Juvenile Restitution Program? What does community service restitution mean?

II. What am I expected to do?

III. What will be expected of me at the worksites?

IV. How will I know what to do at the worksite?

V. What are the rules that I have to follow at work?

VI. What rules do the Supervisors have to follow at work?

VII. What will happen if I break a rule?

VIII. What do I do if I have a problem at work?

IX. What will I be "graded" on each week by the Supervisor?

X. Have you been a victim? How does it feel to be a victim?

XI. What can I learn from doing community service restitution?

XII. Hints for job hunters.

Forms Involving the Victim and Insurance Companies

Most programs send forms to the victim; many also contact insurance companies. These forms often set forth the philosophy and intent of the restitution program and a request for victim cooperation.

- Letter requesting victim participation. These letters normally explain the philosophy and nature of the restitution program and the restitution opportunities for the victim, as well as requesting victim participation and cooperation.
- Damage and Loss Statement. Some programs require a documentation of loss that may subsequently be verified with the insurance company. Others require a notarized affidavit for damage and loss.
- Letter to victim accompanying payment. These letters may serve a public relations function; some programs insert additional information about the restitution program with the payment check.

Monitoring Forms

Monitoring and enforcement forms normally include a form for recording the number of hours of community service and a behavior or attitude report form. Financial restitution programs also have forms regarding overdue payments.

Public Relations Forms

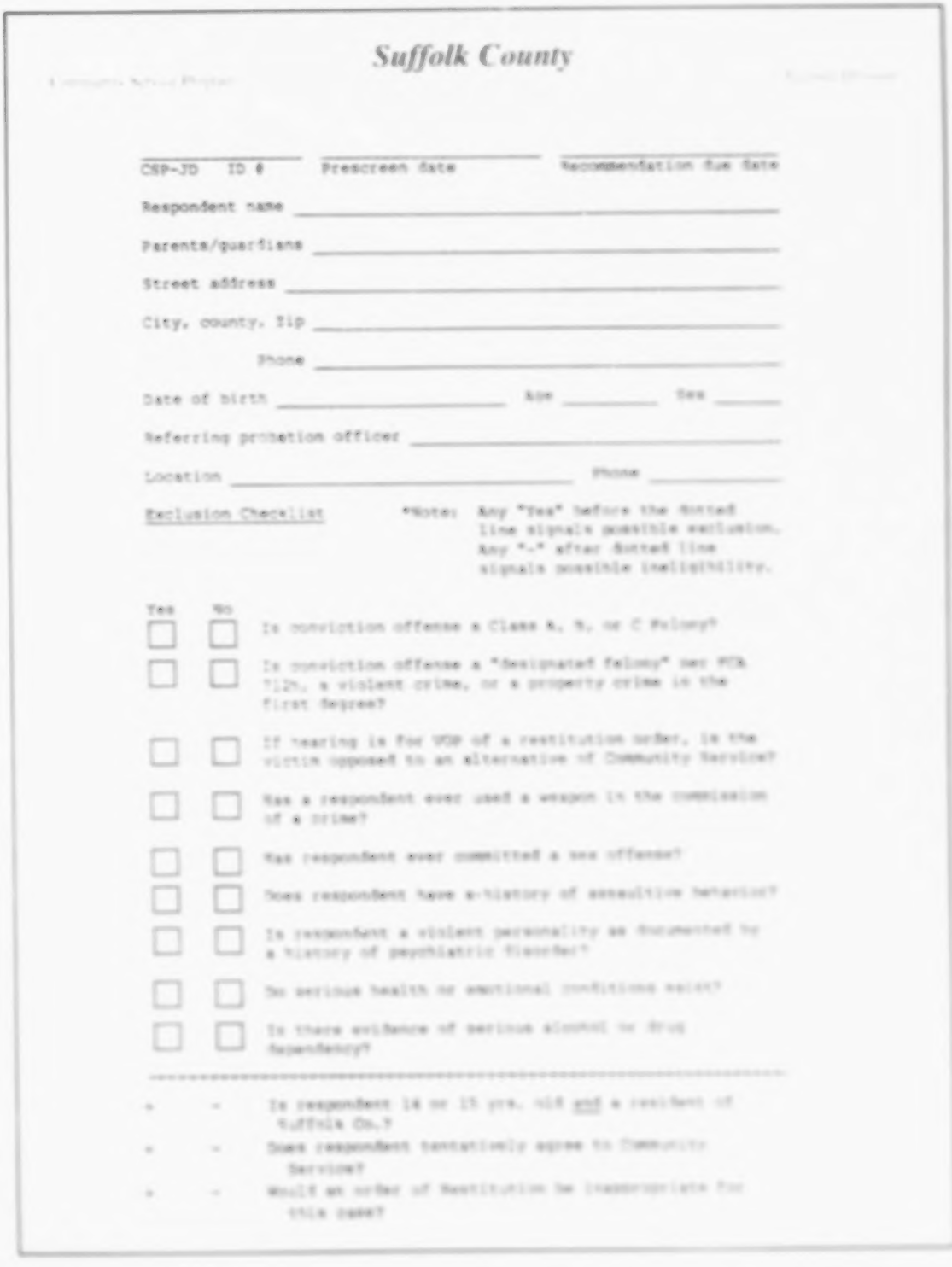
Letters often are used as a form of public relations for the program.

- A letter of appreciation may be sent to those who provide work crew project opportunities, work site supervisors, community service placements, victims, and any others who carry out functions of the program.
- A letter of introduction to the program should be short and readable but should provide fundamental information about the program. These letters can be used to request placements, to ask for an opportunity to speak to the group, or to arrange a meeting with individuals for the purpose of drawing them into the restitution program.
- Evaluation of the juvenile's work. Valuable feedback can be provided by asking for an evaluation of the referral process and the youth's performance on the job. This letter, however, also serves a public relations purpose as it shows interest in and willingness to meet the needs of the employer.

Conclusion

A program that has completed the above steps will have established a firm foundation for operation. Decisions made at earlier points in the planning process will have been confirmed or revised and the program will now have the structure and tools with which to begin operation.

Prescreening Form, Suffolk County, New York



Suffolk County

CSP-JD ID # Prescreen date Recommendation due date

Respondent name _____

Parents/guardians _____

Street address _____

City, county, Zip _____

Phone _____

Date of birth _____ Age _____ Sex _____

Referring probation officer _____

Location _____ Phone _____

Exclusion Checklist *Note: Any "Yes" before the dotted line signals possible exclusion. Any "-" after dotted line signals possible ineligibility.

Yes	No	
☐	☐	Is conviction offense a Class A, B, or C Felony?
☐	☐	Is conviction offense a "designated felony" per PCA 712, a violent crime, or a property crime in the first degree?
☐	☐	If hearing is for VOP of a restitution order, is the victim opposed to an alternative of Community Service?
☐	☐	Has a respondent ever used a weapon in the commission of a crime?
☐	☐	Has respondent ever committed a sex offense?
☐	☐	Does respondent have a history of assaultive behavior?
☐	☐	Is respondent a violent personality as documented by a history of psychiatric disorder?
☐	☐	Do serious health or emotional conditions exist?
☐	☐	Is there evidence of serious alcohol or drug dependency?

\+ - Is respondent 14 or 15 yrs. old and a resident of Suffolk Co.?

\+ - Does respondent tentatively agree to Community Service?

\+ - Would an order of Restitution be inappropriate for this case?

Restitution Agreement, Dallas County, Texas

Dallas County
JUVENILE DEPARTMENT

Plan of Restitution

Juvenile_____ Victim_____
Address_____ Address_____
City_____ ZIP_____ City_____ ZIP_____
Phone_____ DOB_____ HM Phone_____ WK Phone_____
Cause #_____ File#_____ Loss_____ Ins. Deductible ____

Monetary Plan

1. _____ agrees to pay $_____ monthly beginning on the _____ day of _____, 198_ and continue until the last payment of $_____ which is due on the _____ day of _____ , 198_. These payments will total $_____ paid in restitution. The payments will be paid through the Dallas County Child Support Division, Old Red Courthouse, P.O. Box 5530, Dallas, Texas 75202.

And/or Direct Service Plan

2. _____ agrees to perform work directly for the victim for a total of ____ hours per week, for a total of _____ weeks equal to the amount of $_____ in restitution. It is further agreed that this work will be completed as of the following schedule:

Date work is to begin _____ Expected completion date _____
Days to be worked Time

And/or Community Service Plan

3. _____ agrees to perform a total of _____ hours in community service to equal the amount of $_____ in restitution. This community service will be performed at _____. It is further agreed that this work will be completed as of the following schedule:

Date work is to begin _____ Expected completion date _____
Days to be worked Time

And/or Other Terms

4. _____ agrees to fulfill the following terms as a contracted requirement of the Plan of Restitution:

This agreement is meant to be enforceable by the Court. All parties agree to appear at the Juvenile Department for a review of this Plan if all terms are not fulfilled.

Juvenile:_____ Date:_____
Parent:_____ Date:_____
Victim:_____ Date:_____
Mediator:_____ Date:_____

Approved By:_____ Date:_____

Letter to Parents, Waukesha County, Wisconsin

WISCONSIN CORRECTIONAL SERVICE

436 W. WISCONSIN AVENUE MILWAUKEE, WISCONSIN 53203 PHONE 271-2512

Dear

This letter is to inform you that your son/daughter, _____, has agreed to participate in a mediation hearing regarding a dispute of _____. This hearing is scheduled to take place at _____ a.m./p.m. on _____, at the Waukesha County Office Building, 500 Riverview, Room 107-A/Children's Center, 521 Riverview.

Participation in the Mediation Hearing is voluntary. Your child has agreed to mediation in an effort to resolve the above dispute. The Mediation Hearing, which is conducted by a neutral, third-party mediator, will give your child the opportunity to reach an agreement with the other parties involved and to avoid formal court proceedings.

Mediation Hearings are free of charge. Your child should come prepared to present the facts in this case, using relevant documents, evidence, witnesses and any other material which he/she believes will assist the parties in reaching a fair agreement. At the discretion of the mediator, all evidence will be reviewed.

An attorney is not necessary. However, an attorney will be allowed to attend if you wish to have one present.

You are also invited to attend, although your presence is not mandatory. The agreement will be between your child and whomever the dispute is with. If you do wish to attend the hearing, you must not participate in the mediation unless directly approached by the mediator.

The staff of Wisconsin Correctional Service-Mediation Program want to work with your child and you to resolve this problem. If you have any questions please feel free to call at 544-5431. Thank you for your cooperation.

Sincerely,

Debra Nudelman
Mediation Program Coordinator

DN:km

A UNITED WAY/COMMUNITY CHEST SUPPORTED AGENCY

Restitution Agreement, Knox County, Indiana

Knox County Community Corrections

Children and Family Services

Vincennes, Indiana

I, _____ , have been fully informed of the purpose of the Knox County Restitution Program, and I agree to participate.

(box) I agree to complete _____ hours of community service restitution on or before the following date: _____.

(box) I agree to make monetary restitution in the amount of _____ on or before the following date: _____.

I understand that failure to complete the terms of this restitution agreement without sufficient notice and reason may result in additional court action for revocation of probation.

As the parent or guardian, I, _____, agree to provide, in particular, the necessary transportation--as well as support in general--in order for said child to complete the required restitution.

_____

_____

****

_____ _____

Juvenile Date

_____ _____

Parent or Guardian Date

_____ _____

Program Coordinator Date

_____ _____

Juvenile Supervisor Date

Restitution Agreement, Lee County, North Carolina

Lee County Youth Services

405 EVERGREEN LANE
P. O. BOX 57
SANFORD, NORTH CAROLINA 27330
(919) 774-9515

Restitution Contract

I. Youth: _____ Petition #_____

Because I went to juvenile court and was found to have committed the act of _____, the court has ordered me to make restitution.

1. Make monetary restitution to:

2. I agree to make payment to the victim(s) through the Lee County Clerk of Court's Office.

3. I agree to make full monetary restitution within _____ of today.

4. I agree to inform a staff member in the Lee County Juvenile Restitution program if my circumstances change and I am unable to make restitution payments on a regular basis.

I understand that if I pay the amount of monetary restitution specified, I will have followed the court's order.

I understand that if I do not pay the amount of monetary restitution specified, I will be violating my court order and my case will return to court.

Client: _____ Date:_____

II. Parent:

I understand and support the court order obligating my child to make monetary restitution through the Lee County Clerk of Court's Office.

Guardian or Parent: _____ Date:_____

III. Restitution Staff:

As the supervising authority over this contract, the restitution project will:

1. Orient the youth to the purpose and procedures for making monetary restitution through the Lee County Clerk of Court's Office.

2. Assist the youth in devising a method to obtain money for payment of the restitution obligation.

3. Monitor restitution payments by the youth.

4. Act as a liaison to victims involving payment schedules and problems.

5. Notify the court of the successful or unsuccessful completion of the monetary restitution obligation.

Restitution Agreement, Dakota County, Minnesota

Dakota County Juvenile Court

RESTITUTION PROGRAM

Hastings, Minnesota

Conditions of Agreement

I understand the following basic conditions and agree to follow them during the time I perform service restitution:

1. I will arrive at work at the scheduled time and not deviate from the schedule unless it is a circumstance beyond my control, and I will then call my work service site and my restitution probation officer as soon as possible.

2. I will not leave early unless prior arrangements to do so are made.

3. I will not arrive to work under the influence of any chemicals.

4. I will not bring any friends with me.

5. I will perform the task assigned to me to the best of my ability.

If any of these terms are violated, I understand that the total number of victim/community service hours will increase by _____ (one quarter of total number of hours).

If there is a second violation of any of these terms, I understand my case will be returned to court for a review.

_____	_____
Juvenile	Restitution Probation Officer
_____	_____
Parent/Guardian	Parent/Guardian

Dated: _____

cc: File
Victim or worksite contact
Juvenile
Parent/Guardian

Termination Form, Lee County, North Carolina

Lee County Youth Services
405 EVERGREEN LANE
P. O. BOX 57
SANFORD, NORTH CAROLINA 27330
(919) 774-9515

Termination Conference

Client: _____ Date: _____

1. Why do you think that the judge ordered you to do restitution work in the Lee County Juvenile Restitution Program?
2. How do you think that you did in the program?
3. Describe where you worked and what you did at the worksites.
4. Did you do any work in the program that you feel that you did particularly well, that you are proud of?
5. What were some of the rules that you had to follow at the worksites that you would have to follow in a regular, paying job?
6. Did your supervisors treat you fairly? Did you have any problems with them?
7. What grade, A, B, C, do you think you deserve for the work you did?
8. What did you learn from being in this program?
9. Was restitution a fair sentence for you?
10. Why did you break the law? What would keep you from breaking the law again?

Termination Form, Waukesha County, Wisconsin

A service agency working toward the resocialization of offenders

WISCONSIN CORRECTIONAL SERVICE

436 W. WISCONSIN AVENUE MILWAUKEE, WISCONSIN 53203 PHONE: 271-2512

Programs:
- Community-Prison Liaison
- Juvenile & Adult Court Intervention Services for Milwaukee & Waukesha
- Alcohol Therapy Program
- Fourth Street Drug Program
- Mental Health Treatment Programs
- Outreach Home Detention Program for Milwaukee & Waukesha
- The Bridge Halfway House
- Haase House Pre-Release Center
- Volunteers in Probation (VIP) Program
- House of Correction Intervention/Counseling/ Employment Programs
- Employment Assistance Program
- Henderson Drug Treatment Program
- Mediation Services for Milwaukee & Waukesha
- Waukesha Victim Services

Client Satisfaction Questionnaire

_____ Client

_____ Program

_____ Interviewer

_____

Identified Problem Area
(check before interview)

	Child	Parent Specify which parent:_____
Family Related	1. Has the program helped you to get along better with your family? yes_____ no_____	1. Has the program helped your family to get along better with one another? yes_____ no_____
Personal Adjustment Related	2. Did being in the program help you learn more about yourself and how you come across to other people? yes_____ no_____	2. Did being in the program help _____ learn more about himself/herself and how he/she comes across to other people? yes_____ no_____
School Related	3. Has the program helped you get along better in school? yes_____ no_____	3. Has the program helped _____ get along better in school? yes_____ no_____
Alcohol/Drug Related	4. Was the program of help to you with your alcohol/drug problem? yes_____ no_____	4. Was the program of help to _____ with his/her alcohol/drug problem? yes_____ no_____
Job Related	5. Did the program help you prepare for getting a job? yes_____ no_____	5. Did the program help _____ prepare for getting a job? yes_____ no_____
	In general, would you say that the program helped you: 1. Not at all _____ 2. Somewhat _____ 3. A lot _____	In general would you say that the program helped _____ and the rest of your family: 1. Not at all _____ 2. Somewhat _____ 3. A lot _____
	Do you have any suggestions for how the program might be changed so that it could be more helpful to other kids in the future?	Do you have any suggestions for how the program might be changed so that it could be more helpful to other children and their families in the

Letter Requesting Victim Participation, Columbia, South Carolina

Youth Services
P O. Box 7367/Columbia, S.C. 29202
Telephone (803) 758-3610

(Victim's Name)
(Victim's Address)

Dear (Victim's Name):

The Department of Youth Services has been advised that charges have been brought against a juvenile in the Family Court which indicates that you may have incurred property damage or loss as a victim. In the event that the juvenile is found to be delinquent, our staff and law enforcement or the solicitor will offer recommendations for disposition to the Judge.

DYS supports delinquency treatment programs which effectively deal with the problems faced by our communities today. Juvenile restitution can provide compensation to a victim of delinquency in such a way as to also encourage the youngster's development of self-esteem and appreciation for the property rights of others. The Family Court Act allows the Family Court Judge to order a juvenile offender to pay monetary restitution to the victim in appropriate cases. If ordered as a condition of probation, the amount to be paid may not, be law, exceed $500.00.

The Solicitor has the responsibility for the prosecution of the case. If you wish to have the Family Court consider monetary restitution, you must present evidence of the actual loss which you incurred to the prosecutor. Such evidence may include, but not be limited to, insurance claims, estimates of damage and receipts for repair or replacement of property, a letter from your employer showing loss of wages, or a written statement or testimony in court by you, if no documentation exists. As a probable witness for the prosecution, you will be notified by law enforcement of the Office of the Solicitor of the time, date, and location of the hearing. Should you have any questions, please feel free to call the Solicitor's office or our DYS office at the Family Court.

DYS is responsible for providing the juvenile intake and probation services offered in conjunction with the Family Court. If the Court does order restitution as a condition of probation, we will be responsible for seeing that the juvenile follows the instructions of the Judge. Please call our office if we may be of any assistance.

Sincerely,

(Intake Counselor's Name)
Department of Youth Services

cc: Office of Solicitor

Victim Loss Documentation, Columbia, South Carolina

Youth Services
P.O. Box 7367/Columbia, S.C. 29202
Telephone (803) 758-3610

Return to: _____
_____
_____

Loss Documentation

Please complete this form and return within five (5) days of receipt to the above address along with any documentation you have. Documentation must be attached in every request for monetary restitution.

Your request for restitution: (documentation must be attached)

1. Repair or replacement costs — Description — Cost

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Inconvenience costs (car rental, babysitter, lost wages, etc.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Insurance company and amount of settlement — Deductible

_____	_____
_____	_____
_____	_____

Name: _____ Phone (home): _____
_____ Phone (work): _____

Victim Loss Documentation, Waukesha County, Wisconsin

A service agency working toward the resocialization of offenders

WISCONSIN CORRECTIONAL SERVICE

436 W. WISCONSIN AVENUE MILWAUKEE, WISCONSIN 53203 PHONE 271-2512

Programs:
- Community/Prison Liaison
- Juvenile & Adult Court Intervention Services for Milwaukee & Waukesha
- Alcohol Therapy Program
- Fourth Street Drug Program
- Mental Health Treatment Programs
- Outreach Home Detention Program for Milwaukee & Waukesha
- The Bridge Halfway House
- Baker House Pre-Release Center
- Volunteers in Probation (VIP) Program
- House of Correction Intervention/Counseling/ Employment Programs
- Employment Assistance Program
- Residential Drug Treatment Program
- Mediation Services for Milwaukee & Waukesha
- Waukesha Victims Services

Affidavit for Restitution

File No. _____

Name _____ Address _____

Being first duly sworn on oath deposes and states as follows: That he is the owner of the following listed property stolen or damaged on the _____ day of _____, 19__, and that the total value of such property (if stolen) is $_____, and the total damage to such property (if damaged) is $_____, and the value and/or damage is set after each of the following described property items:
(Use reverse side if needed)

Please check below whichever is applicable:

_____ I do not desire any restitution for my theft and/or damage.

_____ I hereby request that I be paid $_____ for my theft and/or damage for which I have not been paid by any insurance company.

_____ Restitution of $_____ which I have been reimbursed should be made to the following insurance company:_____
_____ Ins. Co. File #_____

Signed _____

SUBSCRIBED AND SWORN TO before me
this _____ day of _____, 19____.

_____ _____
Notary Public Commission expiration

This Affidavit for Restitution must be completed, notarized and returned to the:

Waukesha County Department of Social Services
500 Riverview Avenue, Waukesha, Wisconsin, 53186
Attention: Caryol DeWitt

not later than _____. IF THE AFFIDAVIT IS NOT RECEIVED BY THIS DATE, IT WILL BE ASSUMED THAT YOU DO NOT WISH TO CLAIM ANY RESTITUTION IN THIS MATTER.

_____
Social Service Worker
Juvenile Court Unit

SS-249A (Rev. 9/21/83)

Letter Accompanying Payment, Lee County, North Carolina

Lee County Youth Services

405 EVERGREEN LANE
P. O. BOX 57
SANFORD, NORTH CAROLINA 27330
(919) 774-9515

Dear _____:

Recently you received a payment from the Clerk of Court of Lee County which represented payment either in part or full from _____, who was court ordered to make restitution to you for either personal and/or physical damage done to your property or you. This payment was made possible by work performed by _____ through the Lee County Restitution Program. Enclosed you will find a brochure describing the program.

We hope this payment in some small way compensates you for damages suffered you.

Sincerely,

Ronnie Martin
Director
Lee County Youth Services

Lin Thomas
Juvenile Court Counselor

Tommy Mullis
Juvenile Court Counselor

RM:fp
Enclosure

Community Service Work Monitoring Form, Dakota County, Minnesota

Dakota County Juvenile Court

RESTITUTION PROGRAM
Hastings, Minnesota

Victim/Community Service Hours

Date:
Name:
Case no.:
Worksite:
Supervisor:
Total number of hours required:
Work required:

Hours for week of _____	Hours for week of _____	Hours for week of _____
Monday _____	Monday _____	Monday _____
Tuesday _____	Tuesday _____	Tuesday _____
Wednesday _____	Wednesday _____	Wednesday _____
Thursday _____	Thursday _____	Thursday _____
Friday _____	Friday _____	Friday _____
Saturday _____	Saturday _____	Saturday _____
Sunday _____	Sunday _____	Sunday _____
Hours for week of _____	**Hours for week of _____**	**Hours for week of _____**
Monday _____	Monday _____	Monday _____
Tuesday _____	Tuesday _____	Tuesday _____
Wednesday _____	Wednesday _____	Wednesday _____
Thursday _____	Thursday _____	Thursday _____
Friday _____	Friday _____	Friday _____
Saturday _____	Saturday _____	Saturday _____
Sunday _____	Sunday _____	Sunday _____

_____ Juvenile

_____ Supervisor

_____ Restitution Probation Officer

Behavior Monitoring Form, Wake County, North Carolina

County of Wake
Juvenile Restitution

P O Box 550 • Raleigh, N.C. 27602 • 919/755-6524

Client Behavior Report

Client's name: _____

Date: _____ Supervisor's name: _____

Worksite: _____ Hours worked _____

I. Behavioral Observations

Read each statement and indicate the frequency of the behavior by circling the appropriate number.

Behavior	Frequency of Occurence					
	Never					Always
1. Acts courteously to staff	0	1	2	3	4	5
2. Works cooperatively with group	0	1	2	3	4	5
3. Acts shy, withdrawn	0	1	2	3	4	5
4. Questions/resists authority (explain)	0	1	2	3	4	5
5. Acts playful, immature	0	1	2	3	4	5
6. Argues with peers/staff (explain)	0	1	2	3	4	5
7. Needs close supervision	0	1	2	3	4	5
8. Follows rules	0	1	2	3	4	5
9. Follows instructions	0	1	2	3	4	5
10. Disrupts work of peers (explain)	0	1	2	3	4	5
11. Steady, constant worker	0	1	2	3	4	5
12. Productive, performs job well	0	1	2	3	4	5
13. Can work independently	0	1	2	3	4	5

II. Descriptive Assessment

Write a brief description of the following client behaviors:

A. General behavior (attitude, interaction patterns, job performance): _____

_____

_____

_____

B. Strengths: _____

_____

C. Weaknesses: _____

_____

D. Did you share information from this report with the client?
Yes_____ No_____
Client's reaction to information: PASSIVE___ POSITIVE___ NEGATIVE__

Community Service Work Monitoring Form, Dallas County, Texas

Dallas County
JUVENILE DEPARTMENT

Volunteer(s) Performance Review

Worksite _____ Date_____

Job(s) to be performed _____

_____

_____

Job(s) completed _____

_____

_____

Total Hours _____ Time _____ to _____

Excellent	25
Good	20
Average	15
Fair	10
Poor	5

0	1	2	3	4	5	6	7	8	9	10
Unsatisfactory Performance			Marginal Performance		Successful Performance		Exceptional Performance		Outstanding Performance	

Names	Care of Equip.	Quantity	Quality	Dependability	Initiative	Safety	CSR Hours Completed

Supervised by _____
name title date

Overdue Payment Form, Waterloo, Iowa

Juvenile Court Services

BLACK HAWK COUNTY — BUCHANAN COUNTY — GRUNDY COUNTY
P. O. Box 1468
312 East 6th Street
WATERLOO, IOWA 50704
Phone (319) 291-2506

This is the final opportunity for our office to collect the restitution owed in the

According to our records, you still owe
If our office is unable to collect the restitution, the victim will be referred to Small Claims Court. Please keep in mind that if the victim is granted the judgement in Small Claims Court, you will be required to pay the Court costs in addition to the judgement. Enclosed is a copy of the section of the code which refers to the parental liability of juvenile acts.

If we do not receive the restitution before
our file will be closed, noting in the log that the restitution was not paid and the victim will be referred to Small Claims Court.

Sincerely,

Kathy L. Thompson
Restitution Assistant

Enclosure

Letter of Appreciation, Lee County, North Carolina

Lee County Youth Services
405 EVERGREEN LANE
P. O. BOX 57
SANFORD, NORTH CAROLINA 27330
(919) 774-9515

Dear _____:

I would like to express my appreciation for allowing the Lee County Restitution program to maintain your lawn.

Enclosed please find a brochure describing the program and other programs we at Lee County Youth Services offer.

Once again, thank you for your confidence. It will go a long way in assisting the children of Lee County.

Sincerely,

Ronnie Martin
Director

RM:fp
Enclosure

Introduction to the Program, Lee County, North Carolina

Lee County Youth Services

405 EVERGREEN LANE
P. O. BOX 57
SANFORD, NORTH CAROLINA 27330
(919) 774-9515

Dear _____:

I wish to inform you and the members of your organization about a new program in Lee County designed to hold juvenile offenders accountable for their criminal behavior. The Lee County Juvenile Restitution Program is state and locally funded and operates through Lee County Youth Services. The program attempts to:

1. Reduce the occurrence of and recidivism of property related crimes committed by juveniles (under age 16).

2. Satisfy the victims of crimes through court ordered restitution by juveniles.

3. Provide an environment at the work sites in which the juveniles can practice appropriate behaviors necessary for successful interpersonal and work situations.

I would be glad to speak to your group regarding more details of this innovative program. Feel free to contact me at your convenience.

Sincerely,

Ronnie Martin
Director
Lee County Youth Services

Community Service Work Evaluation Form, Calhoun County, Michigan

State of Michigan

JOHN M. BRUNDAGE
Judge of Probate

CALHOUN COUNTY JUVENILE COURT
County Building
315 W. GREEN ST. – MARSHALL, MI 49068
(616) 781-0830

ROGER F. LIKKEL
Court Administrator

Dear

We would like to take this opportunity to say "thank you" for your participation in Alternative Sentencing. Your cooperation, willingness and ability to use Alternative Sentencing volunteers effectively exposes many persons to the varied services provided in Calhoun County.

Please complete the checklist below to help us improve the effectiveness of future Alternative Sentencing placements.

1. Did you feel you had enough information and/or support from the Alternative Sentencing Procedures concerning the requirements for placement and the referral of the volunteer?

2. Was the referral and placement handled so as to require a reasonable amount of your time?

3. Rank the qualities of the volunteer:

Dependability	Good	1	2	3	4	5	Poor
Good Judgement	Good	1	2	3	4	5	Poor
Attitude	Good	1	2	3	4	5	Poor
Performance of Assignment	Good	1	2	3	4	5	Poor
Personal Appearance	Good	1	2	3	4	5	Poor

4. How do you feel about the length of the assignment:

Too many hours Adequate Too few hours

5. Suggestions and Comments

_____

_____

_____

Thank you.

Guide to Juvenile Restitution

MANAGING

PART IV:

Management Information Systems and Evaluations

Management Information Systems

- Designing an Information System
- MIS Programs for Juvenile Restitution
- System Development and Operation

Evaluating Restitution

- Purpose of Evaluation
- Performance Measures
- Planning the Design and Analysis
- Implementing and Managing Evaluations

PART IV

Management Information Systems for Restitution Programs

Keith L. Bumsted, National Center for State Courts

Introduction

The establishment of a Management Information System (MIS) in connection with a juvenile restitution program is one of the most important steps in ensuring the program's effectiveness. Because restitution programs usually involve several agencies and levels of personnel, it is often difficult to coordinate the many details associated with a large number of cases without the aid of an MIS. This section provides basic information about management information systems and explains how they can help manage juvenile restitution programs.

A management information system for a restitution program includes the collection, storage, manipulation, and reporting of information about restitution that may involve either paying money or providing services. The restitution program may involve subjects at the intake or preadjudication phase, or in the post-adjudication phases of a case. MIS requirements vary little from one phase to another. More variations occur according to whether the restitution requires payment or service provision.

Financial Restitution to the Victim

The most common type of restitution involves payment of money by the offender to the victim. This may take several forms; direct payment to the victim is less desirable from a management standpoint because it takes the probation officer or other monitoring official out of the information loop. Where such financial restitution programs are established, they require not only a functional MIS but an accounting system. This system should have a general ledger, interfaced with the case records, that operates in accordance with generally accepted accounting principles and produces a standard set of reports, statements, and other financial management information. Accounting system requirements will be discussed later in more detail.

Some jurisdictions operate a Victim Compensation Fund that is financed from public sources and is used to partially compensate victims for their losses. This feature should be administratively supported by the MIS and the accounting system.

Restitution Through Community Service

The restitution program may involve the provision of services to a community group or project rather than monetary payments to the victim. MIS requirements for such a program are very similar to those for financial restitution. The terms and conditions of the services, type of services, time and place where services are to be rendered, and the reporting of satisfactory completion become additional items to include in the MIS. These are usually logged in the system and reported to the appropriate officials.

Where other public officials or community service personnel are involved, they represent additional parties to be included in monitoring and reporting. If a correctional facility is involved, that agency must also be included in the coordination and monitoring process.

Service Restitution to the Victim

The restitution program may involve provision of services by the offender to the victim in partial reparation. Services may be the only sanction imposed, or they may be combined with a partial money payment.

Where this type of restitution has been ordered, it is necessary to provide for monitoring of service delivery to the satisfaction of the victim. The criteria for successful completion should be clearly stated in advance. The monitor may then observe when such criteria have been met and report the outcome to the court, where it will be recorded in the case tracking and MIS system.

Occasionally, the victim and offender negotiate the terms of the restitution and a special program is developed that may involve some aspects of all three types of program models discussed above. The MIS should have the ability to track these types of special agreements, observe their operation, and report their satisfactory completion (or lack thereof).

Administrative Structure

MIS programs depend heavily on a well-organized administrative structure. It should be emphasized that MIS use will not, in itself, guarantee a good management system, nor will it prevent waste, fraud, and abuse. An MIS will not "save money" by lowering operating costs, although it will sometimes enable the avoidance of future cost increases, and it often makes operations more efficient.

An operational MIS program should enable the establishment of reasonable and measurable goals for the operation of a juvenile restitution program, monitor the agency's progress toward meeting those goals, track individual cases and performance, signal when important events either occur or fail to occur as scheduled, and enable those responsible for the various components of the operation to take corrective action. An MIS system will also enable the preparation of required reports, both internal and external, for program evaluation and review.

Components of the administrative structure include a comprehensive Policies and Procedures Manual that sets forth operational details:

- Eligibility criteria for the program.
- Standardized forms to be used for subject intake.
- Monitoring and case closure forms.
- Procedures to be used in assessing victim losses on a uniform basis.
- Standard criteria to be used in developing Victim Impact Statements.
- Communications procedures to be utilized in the program, including the timing, preparation, and issuance of notices to the various parties as case events occur.
- Case coordination and monitoring procedures, including all required reports to and from the parties involved.
- Procedures to be followed in dealing with victims.
- A description and directory of community resources for service.
- A description of policies and procedures related to employment assistance.

These are key components for the administrative structure of the program and should constitute the substance of the MIS data requirements and reporting systems.

Designing an Information System

Designing and developing an information system, whether automated or manually operated, involves at least 10 steps that should be pursued in the correct sequence. As a practical matter, most information systems designed today are destined to be computer-supported. With the advent of the microcomputer (particularly the microcomputer that is capable of communications with larger minicomputers or mainframe computers) virtually every organization can afford enormous processing power.

The steps outlined for the design and development of an information system are essentially the same for a manual system, but the focus will be on automated system requirements since that is what most programs will want.

1. Feasibility Study and Requirements Analysis

A feasibility study involves consideration of some basic questions. In general, will an automated information system improve the operating efficiency and effectiveness of the program? If so, will such improvement be obtainable at a reasonable cost, both in terms of hardware/software and staff? Will the final work products produced by the system be of sufficient value to justify their investment, given the departure from present processing requirements? Is the court or other juvenile service organization being asked for information that is difficult or time-consuming to compile? Is it difficult to predict workload? Are important deadlines being missed because no one knew about them or planned to meet them by using the present system? Are the manual paper files and records subject to disclosure or compromise? Are suitably priced and capable computer systems available that are able to address the program's needs?

If the answer to a majority of these questions is "yes", then it may be feasible to address them through institution of a comprehensive automated MIS program. Specific answers to these questions will await the outcome of the requirements analysis and later portions of the systems study.

The requirements analysis is perhaps the most important step in the overall process. A thorough requirements analysis should precede the development of any MIS, whether manual or automated. This is the point to ask "What do I want to know?" Answers to this question should be specific and organized by major areas. For example, in the case record area, specific items that managers need to know include:

- Case number.
- Case name.
- Date case filed.
- Charge/incident information.
- Court or other facility handling the case.
- Judge or referee name.
- Present legal status.
- Case outcome information.
- Type of restitution program for subject.
- Terms and conditions of restitution.
- Financial obligations and terms.
- Index number for payor (link to the party file).
- Date the case was disposed or terminated.

The above list is not exhaustive. Depending upon the type of MIS being designed, these data elements could be expanded or contracted. The point is that, during the requirements analysis, the program manager must be specific about what he or she needs to know. A good MIS will allow future changes to the information arrays stored therein.

Opposite each item of information that has been listed for inclusion in the MIS, a second set of questions has to be asked: Why do I want to know? What management use will

be made of the information? Will I be able to obtain the needed information in a timely and accurate way? Will it be cost-effective to gather the information? Is someone else already keeping the information, thereby lessening my need for duplicate collection, storage, and manipulation? If someone else is keeping the information, can I obtain it from them rather than gathering it from the source again? For example, program budget and staffing data may already be stored in another computerized system; it would make more sense to use *that* system in establishing per diem costs than to duplicate the information.

By going through this self-evaluation process and determining real information needs, some items may be eliminated from further consideration. On the other hand, more items may be required once the needs of the organization are reviewed. In reality, there are only three types of information to collect, store, and manipulate.

- Information that is required to perform the management or administrative function or to carry out the responsibilities of the office or position.
- Information that is required for evaluation of the program, project, or other activity; program monitoring and reporting, either internal or external.
- Information that is desirable for advanced or high-level planning and program development. Such information may or may not be used in day-to-day operations, but usage in the first or second category is contemplated for the future.

Information that does not fall into one of these categories is usually not needed and, generally speaking, would be a waste of time and money to collect. It falls into the category of "interesting but not useful." Other information may not be necessary because it is available in another way. For example, information in summary form that can be derived on the basis of detailed information already carried in the system generally does not need to be retained. Whenever the summary is needed, the computer can prepare using the latest and best version of the detail files, thereby negating the need to store it.

Redundancy is another factor that sometimes creeps inadvertently into MIS programs. Without realizing it, people will often have the same information in two or more places, wasting both time and money. Not only is the information collected more than once, it is stored and manipulated more than once. Then, if the two pieces of information no longer agree, considerable time has to be spent investigating the differences to see which one is correct. Such redundancies are unnecessary if the system is designed properly.

The requirements analysis also speaks to other basic issues. In measurable terms, what is the system's purpose? What modules should be included? Who are the system's users? Where does the information originate? Who will receive reports from the system? What are their needs in terms of management support? What is the system's expected life span? Will system files and records be used to reconcile other independent information systems? If so, will there be some way to tie the systems together so that they will agree at the appropriate time? Can the system's needs for either detailed or summary information be provided from another information system, or does the system have to capture and store all of its own information from scratch? If the system's needs can be wholly or partially met from another system, can such information be transferred electronically without re-entering it? Is it better to expand an existing system elsewhere or build an independent MIS? Does the proposed system have the active support of top management? Will it have the support of users?

It is important to gain agency-wide agreement on the areas to be analyzed. Organizational support and assistance in defining needs and goals must be solicited not only from top management but from all personnel. In a court environment, the people involved with the system include clerical personnel who supply data to the system. Other involved groups may include State judicial officials, who may be users of some of the system outputs; State legislators and planners, who may fund and approve the system; and executive branch personnel, who may run the system on their computer or whose systems may interface with the court's system.

A major factor in gaining the support of these disparate people and groups is to maintain contact with them throughout the development process. This liaison should be followed by periodic contact when the system becomes operational.

2. Identification of Objectives

The objectives to be served by the system should be succinctly and briefly stated in measurable terms. General objectives such as "to improve the administration of juvenile restitution" are not only meaningless but confuse the real purpose of the system. The objectives should be simple, understandable, and, above all, measurable. As the objectives become more complicated and sophisticated, the probability declines that the system will succeed. As an example, the objective above might be restated as "to institute a case monitoring and management system covering 100 percent of all cases involving restitution that permits notification within 3 working days of any missed obligation on the part of any subject." Obviously, any system can have more than one objective; the list could be expanded to cover all appropriate objectives.

3. Cost-Benefit Analysis and Review

Before the beginning of a cost-benefit analysis, an overall plan for conducting the study and interpreting the results should be developed. A cost-benefit analysis attempts to identify costs and evaluate benefits of several alternative approaches to a problem; the results are then compared to identify those that are most cost-beneficial.

Costs of the MIS can be identified with relative ease. Benefits are much more difficult to quantify, because they take many forms and often do not lend themselves to accurate estimation. Although many system planners start out thinking that significant cost savings can be obtained, it is rare to find that administrative or management costs within an agency decline with the introduction of an MIS. What does result, however, is usually a more effective and appropriate way of keeping records and a more efficient organization that

is better able to discharge its responsibilities. While actual cost reductions are not often realized, future cost avoidance often results.

Estimation of costs must include all relevant costs, such as hardware, software, implementation, staff training, documentation, ongoing system maintenance, insurance, physical facilities, personnel changes, forms and record retention programs, additional energy expenses, supplies, furniture and fixtures, costs of installation, and cabling (if the system involves a local network linking several workstations to a centralized microcomputer or minicomputer). If the system is to involve telecommunications, the cost of the telecommunications lines on a monthly basis as well as the equipment to transmit the signals must be included in the cost estimates.

In most cases, the costs of the completed system will be higher than original estimates, and an ongoing budgetary provision must be made for continuing costs of maintenance and upkeep in addition to refresher training for personnel. Also included are costs for updates and enhancements to the MIS itself as agency staff discover opportunities for improvements. The average life of a software system may be about 5 years, assuming the original requirements analysis was accurate; less if the agency itself is in a state of change or new programs and features are added to the administrative systems. The costs of maintaining the currency of the software should be included, which raises questions of who will perform this chore—inhouse staff or outside contractors.

A word of caution on the cost-benefit analysis. Do not be misled into thinking that the lowest cost resulting from a competitive procurement process always represents the best choice. The cost-benefit analysis must embrace the concept of "va'ue-added" in order to determine the best choice. Value-added refers to the additional utility or functionality offered by one system or another.

The primary question to be asked in cost-benefit analysis is "What system represents the best value in return for the investment?" as opposed to "What is the cheapest solution that meets the minimum standards?" Often, the lowest-cost solution that meets all minimum standards is not the best value, because it does not offer opportunities for growth and additional features that, although perhaps not needed at the moment, make the proposed system more useful to the organization even though such features may not have been specified in the RFP or other procurement document.

4. Staffing, Organization, and Planning

The impact of the MIS on staffing, organization, and planning cannot be overlooked. Any new information system will necessitate changes in the way people relate to each other in their daily routines. Some systems may require more specialization among staff; questions will arise as to the best way of acquiring this specialization—train from within the existing staff or add new staff. The answers are not always easy.

Secondly, the organizational structure may need alteration as a result of the new information system. If the system is extensive, it may involve the appointment of an administrative head or the reassignment of some present staff to manage portions of the system. Minimally, each new information system will require someone to minister to its needs. No system can survive without the active support of the staff feeding it information and using its output. As mentioned earlier, most systems also require the active support of top managers in the agency or organization, and such support is not always easy to obtain or retain.

Finally, the planning process for the organization will need to take the system into account when future programs, policies, and procedures are reviewed. Information systems can be quickly rendered useless through neglect or indifference.

5. Software Selection and Procurement

Among the most important steps in the information system development process is software selection. Choices in this area range from using standard off-the-shelf software systems—that are becoming increasingly powerful on smaller and smaller computers—to developing systems by inhouse programmers and systems analysts (if they are available), to contracting the entire job out to a private firm that may have a software package already tailored for the agency's needs or that may customize a package. In all cases, the requirements of the agency must be well known and divided into three priorities:

- Those that must be available to meet minimum needs.
- Those that should be available to make the system serviceable from the operational standpoint.
- Those that would be nice to have at a reasonable cost within a reasonable timeframe.

For the most part, juvenile restitution MIS programs will fall into the area between inhouse development (if competent staffers are available) and procurement from private firms. In the microcomputer area, there are very powerful data base management packages now on the market for modest prices that could provide many desirable features and functions. Much depends, however, on how the hardware on which the MIS will run supports microcomputers and whether such microcomputers will be part of a larger network or stand alone.

6. Hardware Selection and Procurement

Hardware selection should be a byproduct of software selection. It is generally a mistake to procure hardware without first having selected the software. Hardware should be state-of-the-art, be vertically expandable within the product line, and be communications-compatible with whatever other information systems might be especially useful. (It is important to have the ability to transfer files intact between computers to aid in information sharing.)

Printers, disk drives, and other peripherals, including telecommunications equipment, should all be specified according to the requirements analysis. Equipment that is not immediately needed should be deferred if possible, although many dealers and vendors will guarantee availability and price for a reasonable period of time under the original procurement.

Service and maintenance after the sale is almost as important as the equipment selection itself. Inquiries should be made regarding the response time for service calls, the cost of local maintenance, the availability of technical advice from specialists within the company, and, of course, warranties. It is also important to check with other users to ascertain their experiences with the proposed equipment on these issues.

7. Testing and Modification

Once the system has been designed, developed, procured, and installed, a thorough testing program should be undertaken to make certain that it meets all criteria established for it. Testing in this sense means putting the system through its paces to make sure that information is properly handled in each format and in a variety of conditions. In online systems that interact directly with master files, it is critically important to have as many "edit" and "validation" checks for data entered through the keyboard (and other devices) as possible. To this end, testing should check every desired function to see that:

- Information that is accurate and correctly entered into the system is also accurately handled by and reported by the system.
- Information that is inaccurate but correctly entered into the system is edited and validated by the system, found to be inaccurate where edit checks can be made, and rejected prior to entry into the system. Such rejection should be accompanied by appropriate error messages, either in written form or through messages displayed at the workstation.
- Information that is accurate but incorrectly entered into the system is rejected at the terminal because of incorrect entry methods.

Many systems are designed to accept and correctly process accurate information. More than a few, however, will not detect wrong information and do not have sufficient edit and validation checks built into them to prevent obviously erroneous information from being entered into the files. Most modern computers support a variety of programming languages that in turn offer extensive data checking and validation techniques. Most will, for example, allow range checks on numeric data, range checks on data fields, and validation of coded values against static, dynamic, or external tables. Most will also allow checking that data entered into a given field is of the correct type (e.g., character, numeric, unsigned integers, packed decimals, etc.).

In addition, many relationships can be tested between data fields so that internal consistency is maintained. For example, if a given series of case numbers refers to a particular case type, the computer can check to be sure that information entered in these two fields falls within the predefined acceptable ranges for both. If any inconsistency is found, both data elements are rejected until the discrepancy is corrected.

There are a variety of ways in which to ensure the integrity of the data entered into an MIS program. Those found practical in the circumstances should be used in a uniform manner throughout the program, to further reduce operator error. Data entry forms should be as similar as possible to data entry screens on terminals so that operators will not have to hunt for the information to key into the next field. Information on forms and data screens should be arranged to the extent possible in aligned horizontal and vertical areas to make it easy for operators to follow.

8. Implementation and Staff Training

Once the system has been fully tested, and necessary modifications made to ensure the integrity of the data base through all types of operations, it is time for implementation and staff training. Each system should have a complete users' guide and technical manual. The users' guide should be written in easy-to-understand language, with each step of each process explained in such a way that an untrained person of average intelligence can understand what to do and how to do it. If data entry or system operation follows a specific sequence of events, those events should be written in "menu"-oriented procedures that lead the staff through the process. For experienced staff, menu procedures may be dispensed with by proceeding directly to the operational programs or reports. Each staff member using the system regularly should have ready access to a users' guide. Staff who will be maintaining the system should receive a thorough orientation to its technical aspects, file and record layouts, file usage, properly documented procedures and programs, and system flowcharts that graphically display the major events within each program and procedure.

The choice of training forums depends on the nature of the system, the backgrounds of the staff, and their relative familiarity with the general procedures to be followed. For staff shifting to an automated system for the first time, it is best to allow time for studying the users' guide first, followed by a suitable period of classroom-like training. The instructor could be a staff member who has thoroughly learned the system during the testing and modification phase, or could be a representative of the organization that developed the system. At any rate, it is essential that the instructor be thoroughly familiar not only with how the system is intended to operate but also with the operations of the agency, to be able to answer questions that arise.

The initial training period should be immediately followed by, and in some cases accompanied by, a period of hands-on experience. Relatively little learning occurs prior to actual experience with the system. It is important, therefore, to have staff obtain guided and supervised experience with the system as soon as possible.

9. Monitoring and Evaluation

Once the system is running, managers must monitor its operation and evaluate its performance closely during the first few weeks and months and remain alert for malfunctions and quirks that may have been missed in the testing phase. This will be the period when assumptions made during the requirements analysis and the design phase will be tested by experience. Not all quirks will be system malfunctions. In some cases, it may be necessary to modify procedures being followed by an agency rather than change the MIS program. In any event, management staff will have the opportunity to review system performance and note differences between planned and actual operations.

Such items should be saved for periodic conferences and reviews with systems designers and developers to determine the best way of resolving the differences. This process usually extends over a matter of months and, indeed, usually never ends—the organization changes around the system, and opportunities for enhancement and improvement are frequently noted. This is normal in the life cycle of an MIS.

Other changes may involve alterations to the hardware manufacturer's operating system or expansion of the system by the addition of more internal memory or disk space. These types of changes are largely "defensive" in nature, i.e., permitting the system to continue as originally designed rather than enhancing or materially improving its operation. One wag observed that data processing is the only field in which adding a room to a house would be considered "maintenance."

10. Refinements

Major changes to the MIS generally fall into the category of refinements—changes that make the system more responsive to agency or departmental needs, and that are implemented over a longer period of time. Such changes frequently involve major modifications to premises and assumptions used in the development of the original system and often require redesign. Such refinements must be carefully considered so as not to disturb the desirable portions of the original system.

Major changes should be run through extensive testing programs of the sort described earlier and put online only after they have survived the same rigorous tests. Staff training and revisions to the users' guide and technical manuals are also required. These latter steps must not be neglected in the process of implementing major changes or refinements, lest future users can no longer figure out what changes have been made to their own system.

MIS Programs for Juvenile Restitution

An MIS program for a juvenile restitution program, regardless of the type of restitution being used in an individual case, will most likely be accommodated within a data base management system (DBMS). A DBMS is simply a way of organizing a lot of separate pieces of information about a process or series of events. A juvenile restitution program is an almost perfect application for a DBMS, due to the complexity and interrelated nature of most of the information. The data need to be organized into discrete sections:

- Information about the case.
- Information about the juvenile subject.
- Information about the other parties involved with the case.
- Information about the history and current status of the restitution program, and the subject's progress in meeting his or her obligations.

Each of these informational areas and how they might be developed within a juvenile restitution MIS are discussed below.

1. Information About the Case

Data elements that would be needed include:

- Case number.
- Case name.
- Date case filed.
- Charge/incident information.
- Court or other facility handling the case.
- Judge or referee name.
- Present legal status.
- Case outcome information.
- Type of restitution program for subject.
- Terms and conditions of restitution.
- Financial obligations and terms.
- Index number for payor.
- Index number for payee.
- Date the case was disposed or terminated.

For each of the "fields" or data items above, a range of acceptable data entries would be specified in the users' guide. Tables could be established that stored all the juvenile judges or referees, the range of possible legal statuses, the desired responses to case outcomes, etc. This information would be contained in a basic docket record for each offender. Such a record would remain on the system until it was closed or terminated by competent authority.

2. Information About the Juvenile Subject

The juvenile subject is the main actor in the system. In one sense, this person is merely a party to a case record; however, more information is needed about this particular party since there will be more contact with him or her. In addition to the information discussed in the next section, the following items are probably needed:

- Social Security number (if any).
- Name of school where enrolled.
- Address of school.
- City, State, and ZIP Code.
- Telephone number.
- Name of contact person at school.
- Title of contact person.
- Employer's name (if any).
- Address of employer.
- Address where employment occurs (if different).
- City, State, and ZIP code.
- Telephone number.
- Name of contact person at employer's.
- Title of contact person.
- Approximate income per day, week, or other period (specify).
- Withholding plan for restitution in effect (Y/N).
- Other sources of income.

- Prior juvenile history.
- Other problems affecting present program (mental health, alcohol, drugs, sexual adjustment, etc.).
- Parent's identification code in system.
- Guardian's identification code in system.

It is clear that the range of information needed to properly monitor an individual or to assist juvenile service officers or probation officers in administering a restitution program is extensive. If this information had to be kept on index cards, it would quickly become unwieldy.

In addition to the information noted above, information statements obtained from all other parties to the case would be completed for the juvenile subject.

3. Information About the Other Parties to the Case

The basic information statement would be created for anyone—with either an official or unofficial connection with the case—who may potentially be involved with the restitution program. The basic information includes:

- Party identification number (unique 5-digit number assigned to each individual).
- Case number (linking the party to a particular case).
- Name.
- Address.
- City, State, and ZIP Code.
- Business telephone.
- Home telephone.
- Party Type Code:

  JS-juvenile subject
  VM-victim
  PR-parent
  GR-guardian
  AP-prosecutor
  AD-defendant's attorney
  PO-probation officer
  JO-juvenile service officer
  FP-foster parent

- Offender contact code (for victims (Y/N)).

The information carried in these types of data base files readily lend access to basic information about a case, about the subject, and about the other parties in the event any official needs more information or needs to contact a party. In addition, however, there is a wide range of observed and computed information about other aspects of the case. This type of information is either observed and reported by parties to a case, or generated from information already in the case files; it provides the key to monitoring and administration.

4. Information About the Current Status of the Case

In the case of financial restitution by the offender either to the victim or to the Victim Compensation Fund, the system would be tied closely to an accounting system that would track incoming cash receipts, associate them with a particular payor and case number, and disburse the funds to the appropriate party. Each receipt and disbursement of funds would be recorded and stored in the general ledger.

On a periodic basis, the docket records would be reviewed by a special program to establish the amount that should have been paid during the preceding period. This amount would then be compared with the actual receipts for the same period; the amount due would be adjusted accordingly. If the subject fell behind, appropriate notice would be routinely issued to the supervising court official, who then could take action on the matter. The MIS could, at any time, display the current status of the original amount due, payments made to date, amount due at the present time, and any amounts overdue. As long as the court supervised receipt and disbursement of the restitution, complete information would be available at any time.

In the case of services restitution, reports would be required from supervising or monitoring officials about the actual performance of service at agreed-upon times and places, to the satisfaction of the supervising parties. The system would be programmed to anticipate reports on or about certain dates, and flag their receipt or nonreceipt as the case may be. Another file would allow the entry of free-form comments and other information about the status of any case. These comments would be displayed on a terminal or printed in a summary of case information upon request. They would be filed chronologically in addition to the record of service.

Upon significant case events, the system could produce appropriate notices to the court, to the prosecutor, defendant's attorney, victim, or other parties. Victim notification is especially important—to let victims know that the court is actively following their cases.

The opening of docket and party files in the MIS program would be based on receipt of court orders or other official documents. Similarly, disposal or termination of any case would be the subject of separate documentation. MIS files would be purged periodically of closed or disposed cases to conserve file space. System design features would include measures for ensuring the confidentiality of the files and guarding against unauthorized access to the system. This is critical to protecting the integrity of the records and the privacy of both victims and offenders. Purged records would be saved on other secure storage media in the event of later questions.

The financial restitution program would be able to support installment plans as well as lump sum payment programs. The system would embody generally accepted accounting principles: obligations would be accrued when due, receipts posted when received, and disbursement booked when made. Financial statements and reports would be prepared on the basis of the general ledger. The general ledger would contain an entry for every fiscal transaction tracked by the system and would constitute the official record for all case reports (such as a rehearing upon nonpayment).

The financial system would also include typical safeguards on the handling of liquid assets. The funds would be logged in by one person, processed by another, and perhaps banked by a third person. The three independent record systems, the bank statements and records, the checkbook records, and the general ledger would all be reconciled no less than once per month. Any discrepancies would be resolved immediately. The general ledger could be audited by independent auditors if desired.

Periodically, the system would produce arrearage and delinquency reports. Such reports would show the status of all accounts within the system and highlight those with collection or service performance problems. Management reports indicating problem cases could also be prepared in order to assist probation officers. The system would support online inquiries for special reports desired about any docket or group of dockets. Similarly, a number of "on demand" reports will show the status of the general ledger, the master files, the financial records, the service records, etc., at any time.

System Development and Operation

A juvenile restitution MIS program embodying the case tracking and financial systems briefly described above is very feasible, given today's technology. Microcomputers and some minicomputers are capable of performing not only the functions outlined, but many more as well. Many support sophisticated word processing, spreadsheet, graphics, and data processing application programs as well as data base management systems.

A system such as the one described could probably be procured—both hardware and software—for under $20,000, fully tested and installed. Such a system would not ordinarily require any sophisticated or professionally trained data processing staff to operate or maintain. The enormous processing power and relatively low price of today's microcomputers has greatly benefited application systems. In recent years, the technology has expanded "downward" to the point where courts and other public service agencies almost cannot afford not to obtain it. To the extent that such systems are procured and used in relevant ways, restitution agencies will be much better able to discharge their responsibilities to their clients and to the public.

Additional Reference Material

Automated Information Systems: Planning and Implementation Guidelines, National Center for State Courts, Williamsburg, Virginia, 1983. Publication No. R077.

Evaluating Restitution

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Introduction

In this era of cost-conscious public decisionmaking, restitution program managers cannot afford to skimp on evaluation. It is essential that programs have certain fundamental information, such as how much the program costs, how many cases it handles, how much restitution is returned to victims, what proportion of the youths successfully complete their restitution requirements, and how many commit additional offenses during the time they are under the auspices of the program.

Program managers must be able to diagnose problems, trace changes in performance across the years, and compare the effectiveness of different strategies for different types of juvenile offenders. Programs must be accountable to the public; evaluation is the primary tool for achieving accountability. The program manager must be the first to know whether or not restitution is an effective disposition, given the goals and philosophy of the community. If not, or if its effectiveness has declined over time, then the manager is responsible for identifying the cause of the problem, devising effective solutions, and bringing about needed changes in program operations.

Although there may have been a time when juvenile courts or restitution programs could avoid evaluation on the argument that it was either too costly or was unlikely to produce worthwhile information, that is no longer the case. Evaluation, whether conducted with inhouse staff or by outside contractors, should be built into the program's management system. When properly implemented, an evaluation of a juvenile restitution program should cost between $2,000 and $10,000 (depending on its scope and the size of the program), and it should produce essential information.

Evaluation serves two major purposes—one internal and one external. Internally, evaluation provides the project manager with information needed to improve the performance of the restitution program; externally, evaluation gives those who provide the funds for the program (and other constituencies) information upon which to determine whether they are "getting their money's worth."

Information produced by evaluation differs from "ordinary" information in that it is more structured, more scientific, less subjective, and less susceptible to differing interpretations. Ideally, anyone who examines the data and information produced by an evaluation will arrive at the same judgment regarding the operation and impact of the program. Individuals might still differ on whether the program is worth its cost or whether it is pursuing appropriate goals, but the factual basis upon which policy decisions are made will be clarified.

Some evaluations are quite simple and do not go much beyond reporting fundamental data from program logs, such as the number of cases handled or the amount of restitution paid to victims. Others are far more complex and are designed not only to impart critical descriptive data about the program, but to serve as the rationale for expansion and the diagnostic tool for improvement.

Regardless of the type of evaluation or its complexity, careful attention should be given to the planning process. This includes the designation of the persons responsible for conducting the study. Whether these persons are on the program staff or are outside evaluators, it is essential that they have evaluation skills and be involved in planning the study.

Evaluation planning and implementation involves several steps:

- Determining the purpose of the evaluation.
- Identifying the necessary data.
- Planning the design and analysis.
- Implementing the evaluation plan.

Purpose of Evaluation

A common complaint of program managers is that evaluations are not very useful. Although there are a number of different explanations for this, the most common one is that evaluations often do not address the questions that need to be

answered. This is not a failure in evaluation, per se, but a failure in the planning process that produced the questions. To avoid producing an evaluation that no one uses, the program manager and evaluator should first identify the issues to be addressed.

The techniques suggested here are somewhat unusual and do not follow common methodologies suggested by the "textbook" approach to evaluation. The approach recommended in the *Guide* concentrates on two factors:

- External Constituencies—One purpose of evaluation is to produce information needed by external constituencies who will be making decisions about the future of the program.
- Internal Diagnostics—The second purpose is to produce information that the program manager can use to improve the performance of the program in terms of goals or expectations set by the critical external constituencies (as well as by the program manager).

External Constituencies

The important constituencies for restitution programs range from those who are influential in determining the future of restitution in the community to clients and the general public. Particularly important are those who control the funds (the judge, county commissioners, or State agencies), those who set policies, and those whose cooperation is essential to program success (such as the business community).

An important step in evaluation planning for most programs is to identify the important constituencies and to give serious thought to what they expect of the program. Their definition of program goals, whether set forth in explicit guidelines or communicated more informally, must be considered a high priority for inclusion in the study. It is important also to consider the fears, objections, and criticisms that have been expressed in the past by influential individuals and to determine whether (or how) evaluative information might be used to overcome these problems. If some of the fears or objections are justified, the evaluation may need to be designed so that potential solutions can be tested.

Attention should also be given to decisions that will be made in the future about the restitution program and to the information that should be available to the decisionmakers. This involves identifying the issues that may arise, the nature of any criticisms that might be made, and the data these constituents view as fundamental to judging program performance. It is not uncommon for persons outside a program to have serious misconceptions or biases that are not based on factual information. Evaluation data should be used to correct such misconceptions.

The contribution the program is expected to make to the juvenile justice system—as defined by key constituents—must be considered for inclusion in the evaluation.

Program managers and evaluators should not underestimate their ability to shape the expectations of these external constituencies through an educational campaign and through the provision of timely information.

It is often helpful for a program manager to envision data that he or she would like to have for the program's annual report, for feature stories in the newspaper, or for presentation to the advisory board or others important for program success.

The funding and control of restitution programs is part of the political process; these programs may be subject to careful scrutiny by the public and elected officials. Restitution programs, as do all parts of the juvenile justice system, need to be accountable to their constituents. The evaluation should not become a political tool but should help decisionmakers judge the effectiveness of various parts of the juvenile justice system.

Evaluation will not always settle political issues, but a carefully designed study that addresses important assumptions, facts, or biases underlying the political debate will eliminate many spurious arguments and help produce a more consensual decision regarding the appropriate course of action.

Internal Diagnostics

A second purpose of evaluation is to assist the program manager in making decisions and increasing the effectiveness of the program.

Managers may wish to increase the absolute level of program performance (e.g., increase the proportion who successfully complete restitution, reduce recidivism, and so forth), or they may wish to maintain the same performance level with more serious or chronic offenders or for lower costs.

Planning for this type of evaluation also must begin with a description of program goals and an analysis of strategies.

For example, successful completion is a commonly used performance measure in restitution programs, as it signifies that the youth has been held accountable. If a program manager wishes to increase the proportion of youths who successfully complete their requirements, an analysis must be undertaken of factors that may influence the probability of success. The initial evaluation plan should identify such variables: degree of supervision at the work site, age of youth, amount of restitution order, previous work experience, and so forth. This analysis may pinpoint strategies that appear to be more effective, or strategies that work better with certain types of youths. Continued experimentation and evaluation of program operations, strategies, and so forth will provide a continuing source of performance information.

Certain aspects of a program may need to be evaluated in terms of their effectiveness in order to know whether to continue them. Subsidies, for example, are expensive; programs that use them may wish to build into their evaluation a continuing examination of their effectiveness and the types of cases for which they should be used. Certain types of work sites also may need to be continually evaluated; most new program components, such as victim mediation, should be examined to determine whether or not they are worth their cost.

Program directors also should think about decisions they will be making during the coming year and should identify the evaluative information that will be needed. Political issues that may arise in relation to those decisions should be anticipated to determine if evaluative information might shed some light on the expected debates.

If the program director intends to recommend policy changes or changes in strategies to the judge or others from whom approval is needed, the evaluation should assess the probable impact of these changes on program performance or on costs.

One of the most important functions of evaluation is to determine not only the level of effectiveness, but the reasons for varying degrees of program impact. By analyzing the linkages between the restitution experience and the outcomes of concern—whether successful completion or recidivism—a program manager can produce knowledge that will increase the overall level of performance. In this respect, evaluation, in the public sector, serves virtually the same purpose as R&D (research and development) in the private sector.

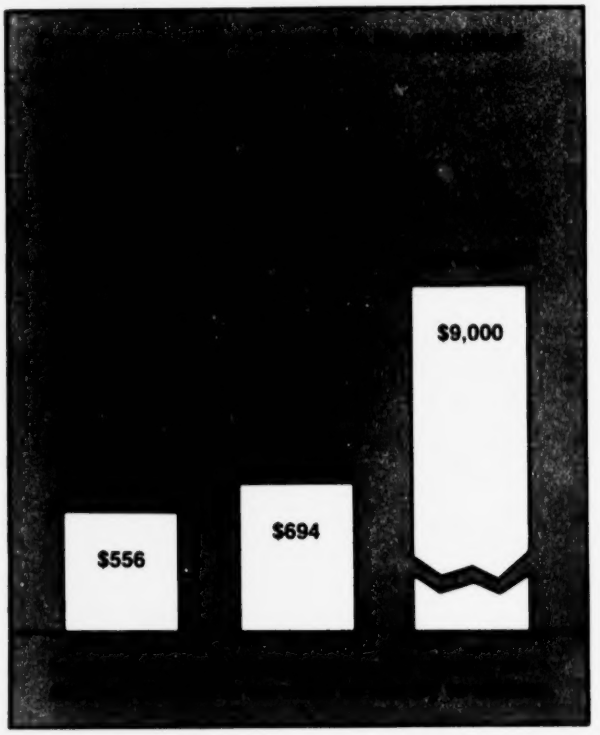
Performance Measures

Although the process discussed above will produce some relatively unique evaluation questions for each jurisdiction, virtually every restitution project should collect fundamental data through its management information system (MIS). Most of the data identified through the constituency analysis or the analysis of internal effectiveness can be collected on a regular basis as part of the MIS.

The most important information for virtually all restitution programs includes costs, offender-based performance measures, victim-based performance measures, and satisfaction indicators from clients and external constituencies.

Cost per Case

Almost all key constituencies of restitution programs will want to know how much the program costs per case, and how this compares with other alternatives, such as probation or incarceration. Although information on the latter two may not be available, the program should keep adequate records on the number of cases handled and on the total cost of the program. The latter presents more difficulties, however, than one might expect.



Two estimates of cost are important. One is the marginal (additional) cost of implementing a restitution program and the other is the actual (allocated) cost of restitution.

The marginal cost represents the amount that a juvenile court would need—in addition to its regular budget—to implement a restitution program. This is the figure that would be used when making budget requests of those who control the funding for the juvenile court.

The actual cost of restitution, however, refers to the proportion of all costs that should be allocated to the restitution program. Many programs report their cost solely in terms of the salaries of clearly identified restitution personnel. To convert this figure to actual cost requires that a "fair share" of other costs also be allocated to the restitution program. For example, the cost (or value) of the space used by the restitution program should be included in the calculation, as should supplies, telephone, administrative overhead, travel, and so forth.

If probation officers or other public employees are expected to perform any of the fundamental tasks of restitution, then

a portion of their time should be allocated to the restitution component and its value included in the actual cost. Thus, the cost of restitution should include time spent:

- Documenting victim loss.
- Notifying and working with victims.
- Assessing the amount that should be ordered.
- Implementing, monitoring, and enforcing the order.
- Management.
- Liaison with the community.

For example, if 25 percent of probation officers' time is spent on restitution-related activities, it would be reasonable to allocate 25 percent of their salaries and 25 percent of the supplies, space, travel, equipment, and so forth to restitution. This would produce a relatively accurate estimate of the actual cost of restitution to the court.

Alternatively, if restitution counselors are expected to perform functions that are not related to restitution, such as monitoring probation requirements, then this portion of their time should be deducted from the cost of restitution. Furthermore, if the program produces savings in other parts of the system, these should be taken into account. In many jurisdictions, youths who are ordered to pay restitution are not monitored closely by their probation officers vis-a-vis probation requirements, and may be released from the court's jurisdiction more quickly. This represents savings to the system that should be included in the estimate of cost.

Offender-Based Performance Indicators

The most fundamental information that every program should maintain in terms of offenders is the number of cases handled. In addition, programs should make an effort to collect and report data pertaining to their major goals, such as accountability, rehabilitation, and recidivism. Descriptive information on the clients also is needed to determine if the program is actually dealing with its target population.

- **Accountability**. Accountability often is defined as successful completion of the restitution order. A completion usually is considered successful if the youth repays the full amount ordered (or complies with a court-adjusted order). For community work service, successful completion usually means the youth finished all of the work ordered by the court.

A useful measure requires that the program have data on:

- The number of referrals.
- The number of closures.
- The reasons for closure.

The latter category could be divided into successful, unsuccessful, and "other" (cases that cannot be categorized as successes or failures) closures.

In some programs, "other" youths are referred to as "project identified ineligibles" and include juveniles who move out of the jurisdiction, whose victims refuse to accept further payments, or who die or become handicapped in such a way that restitution is impossible. Similarly, many programs find that some of their referrals are adjudicated and committed for other offenses before they ever begin the restitution program. These, too, should be removed from the total number of referrals.

One additional measure of accountability may be of interest, especially to outside constituencies: the proportion of all delinquents referred to the court who are held accountable through restitution or community service. This is a good measure of the scope of the program, one that the entire juvenile justice system can use to monitor its response to juvenile crime.

- **Measuring Recidivism**. Recidivism is a second client-based indicator that almost all programs should include. Even if reducing recidivism is not the primary goal of restitution programs, key external constituencies almost always are interested in recidivism rates.

Programs that can produce comparatively lower recidivism rates achieve substantial savings for the community (in terms of reduced crime) as well as for the juvenile justice system (through lowered rates of adjudication and incarceration). Thus, internal diagnostic evaluations that focus on improving performance should examine recidivism if at all possible.

The simplest measure of recidivism is the rate of inprogram reoffending—subsequent offenses during the time the youth is under the jurisdiction of the program. Offenses committed before program referral, but which were discovered or adjudicated after referral, should be classified as prior offenses.

Generally, it is better to have information on recontacts with the police, but if these data are expensive to obtain, then recontacts with the court can be used instead. Restitution programs should not measure recidivism in terms of re-referral to the program because this will be a very poor measure of the propensity of the youths to commit future crimes.

Because either police contacts or re-referral to court intake should be the measure of recidivism, the restitution program will have to develop a mechanism through which it is informed of any subsequent offense committed by a youth in the program. In most jurisdictions, such information is routinely provided and does not require a complicated case tracking system. This could be included on the case closure form used in the program's MIS.

Many programs report information on the proportion of their clients who reoffend, but they do not specify the amount of time these youths were "at risk." For example, one program which keeps juveniles for an average of 3 months might report a 5-percent reoffense rate, whereas another in which the youths are in the program for a full year might have an 8-percent reoffense rate. The first program appears to be superior, but this is because the "risk time" is considerably shorter. Hence, the program's recordkeeping system should include the date of referral to the program and date of case closure. Other dates are also needed, but these two are essential for an accurate measure of recidivism.

The recidivism information should also specify the type of offense and, if possible, the sanction given to the youth by the court.

Followup recidivism information on juveniles after they leave the program obviously will strengthen the evaluation, but these data are more difficult to obtain. If the court has a computerized data system, however, it should not be very difficult to conduct a regular search of the files to identify all juveniles who have been re-referred to the court. If there is no computerized system, the program might consider implementing a tracking system of its own.

It is common for corrections and probation programs to argue that they should not be responsible for recidivism after the youth leaves the program, due to other influences on the juvenile's behavior. On the other hand, this argument carries little weight with public officials: if they cannot hold the juvenile justice system responsible for juvenile crimes committed by youths who have passed through the system, who should they hold responsible?

- **Characteristics of Clients**. Among the data elements usually collected about juveniles are the nature of the offense, the number of prior offenses, race, income of parents, birthdate, gender, living situation, school situation, and employment status.

There are several purposes for these data. One is to determine whether the referrals are representative of the delinquent population as a whole or whether the program is disproportionately taking the "easy" or the "hard" cases. If the program is expected to handle a substantial portion of the more serious offenders, these data can be compared against a profile of all delinquents to determine whether the program is receiving the type of referrals it wants.

Similarly, these data will make it possible to identify any class or race bias in the referrals. For example, a criticism that has been made of restitution is that it may permit middle-class youths to pay restitution, thereby avoiding other penalties, but not provide this option to those not as well off.

The personal characteristics of juveniles also become important when examining which youths are most (and least) likely to succeed in completing their restitution and in not reoffending while in the program. By determining the characteristics of the "high risk" youths, the program can target more intensive supervision and more carefully tailored work sites for these juveniles.

- **Rehabilitation**. Rehabilitation, although a commonly named goal of juvenile justice and restitution programs, is not usually measured or included in evaluations. Recidivism is only a partial substitute; many youths who continue to commit minor offenses may have made great strides toward rehabilitation whereas others, who have not been caught for subsequent offenses, may not.

Thus, even though there is no agreed-upon definition or measure of rehabilitation, programs may wish to obtain data on some useful indicators. These may include how the youth is using his or her "work time," "leisure time," and "home time." The management information system, for example, could include data on the closure form regarding whether the youth is in school or gainfully employed during his or her "work time," how he or she spends "leisure time," and who the youth is living with at the time the case is closed.

Background Characteristics of Offenders

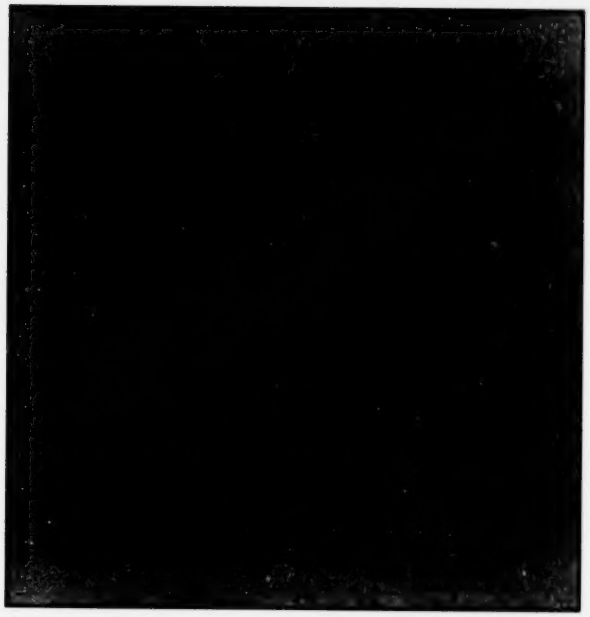
Characteristics	%	Number of Cases
Type of offense[1]		
Burglary	34.3	5,942
Larceny	19.7	3,402
Vandalism	13.2	2,290
Motor Vehicle Theft	9.6	1,653
Assault	5.4	937
Robbery	3.1	532
Rape	.1	17
Other Personal Offenses	1.4	247
Other Property Offenses	9.2	1,593
Other Minor Offenses	1.8	314
Victimless Offenses	2.2	388
TOTAL	100.1	17,315
Race/Nationality		
White	71.6	12,187
Black	22.8	3,887
Mexican	1.4	234
Native American	1.7	290
Puerto Rican	1.5	262
Other	1.0	162
TOTAL	100.0	17,022
School status		
Full-Time	76.0	12,561
Not in School	20.0	3,310
Other	4.0	651
TOTAL	100.0	16,522
Sex		
Male	89.6	15,467
Female	10.4	1,798
TOTAL	100.0	17,265
Age		
Average Age	15.36	17,102
Income		
Median Annual Household Income	$12,000	9,920
Priors		
Average Number of Prior Offenses	1.39	15,966

[1]Offenses are coded from narrative descriptions. Coding categories and rules are those used in the Uniform Crime Reports (UCR). Offense classifications shown in this table reflect the actual event, as described, not necessarily the offense charged.

From the 2-Year Report on the National Evaluation of the Juvenile Restitution Initiative

Victim-Oriented Measures

Victim-oriented performance indicators should reflect the victim's expectations and perspective. Probably the most important indicator is the proportion of net loss returned by the restitution program.



From the 2-Year Report on the National Evaluation of the Juvenile Restitution Initiative

To use this performance measure, the program needs to collect information regarding the amount ordered by the court as well as the amount actually paid by the youth. Thus, on the intake form, the program should include the following data elements:

- Total amount of documented victim loss.
- Amount of loss recovered from sources other than the restitution program.
- Amount expected to be recovered from nonprogram sources (insurance, for example).
- Amount ordered by the court to be paid as restitution.
- Amount to be paid by co-offenders who are also in the restitution program (this item is needed if the program is interested in computing the percentage of outstanding loss ordered by the judge since, for any particular victim, more than one offender may be required to contribute to the total repayment).

On the closure form, the program needs to determine the amount paid by the offender and update the information on amounts paid by other sources.

The total amount of restitution returned to victims (on an annual basis, for example) is one of the most important performance measures. It can be used to trace program performance over time and to develop figures on the cost of the restitution program. Furthermore, the amount returned to victims is an appealing component of a program's public relations.

Descriptive information about victims also is useful for understanding the clientele served by the program. Victim information usually includes the type of victim (personal, private business, public agency, or other institutional), the relationship between the victim and offender (related, known to each other, strangers), and limited personal information such as age, race, sex, and income level.

Victim-oriented programs should obtain information on special victim needs as part of their intake data.

Case-Specific Program Services

Most programs establish a management information system that records the services provided to each case. This permits the program to aggregate the data and report the total activity levels for each month or year.

For example, a program might wish to report that it had received 500 referrals during the past year, developed 400 restitution plans, placed 350 youths in rotating job slots, helped 400 victims document the amount of their losses for presentation in court, and so forth.

Evaluation Summary on the Juvenile Restitution Project, Hennepin County (MN), April 1981.

Most programs also keep data on where the youth worked, the type of job, the direct supervisor, the person responsible for monitoring restitution, the probation officer, and other requirements.

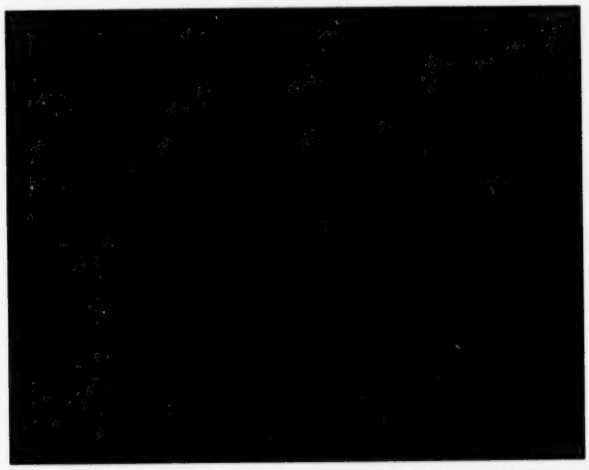
These data become especially important when the program is attempting to compare the effectiveness of program components, work sites, probation officers, and so forth. For example, if a program director discovered that one restitution counselor had a 95-percent successful completion rate and another had a 60-percent rate, there are good reasons to examine the case management techniques being used by these individuals.

Victim contacts and services also should be recorded, either on the intake or closure forms or both. These should include the type of contact (telephone, letter, personal) and the purpose of the contact (document loss, update the status of the case, assess victim needs).

Attitudes and Perceptions

Many programs find it useful to conduct periodic surveys of their clients and key constituencies, including juveniles, victims, parents of juveniles, employers, probation staff, judges, defense and prosecuting attorneys, and law enforcement officers.

One of the simplest techniques is to include a very short survey as part of the closure interview with the youth and record it on the closure form. The final contact with the victim also could include an enclosed (mailed) survey which, if returned, could be added to the dataset. The interview could be used to identify problems, strengths, and weaknesses of the program. Followup surveys (although more expensive) would be especially revealing in terms of any perceived long-term effects of the program.



Evaluation Summary on the Juvenile Restitution Project, Hennepin County (MN), April 1981

Surveys of key constituencies can be used as an "early warning system" to alert the program manager to problems that may emerge. Furthermore, such surveys can help set priorities within the evaluation system—a high priority should be given to obtaining information that would either document or invalidate the perception of problems with the program.

Planning the Design and Analysis

Evaluation data require interpretation. An evaluation might find that the program is maintaining an inprogram reoffense rate of 15 percent. This figure has little meaning on its own unless it is compared with similar information from other programs, or with nationally validated samples, or with some other standard.

It is necessary at this point in the planning process for the evaluator to determine whether there will be problems in attributing observed effects (if any) to the program, or whether these may have been caused by some other variable.

Standards and Comparisons

Three different standards are commonly used:

- Judgment/Experience (no standards or comparisons are available; data are interpreted through judgment or experience).
- Comparison with the program's quantitative objectives and goals.
- Comparison of costs and benefits with other strategies or other programs that might be used to achieve similar goals.

Judgment/Experience

Evaluations sometimes report a specific performance level (for example, that 80 percent of the juveniles successfully complete their restitution requirements) and do not present any empirical standard that could serve as a frame of reference for interpreting whether that effectiveness level should be considered "good" or "bad."

In effect, the reporting of a specific effectiveness level of this sort leaves it to the individual judgment of the evaluators, program personnel, or political leaders to determine whether the program is performing adequately. Because individual judgments will vary, and there are no comparative data presented, this kind of evaluation does not provide as much guidance to policy formulation as it should.

A similar problem often arises with cost data. It might be reported, for example, that it costs $500 to handle a restitution case. In the absence of comparative information, however, it is difficult to determine whether this is an appropriate cost.

Thus, absolute levels—for either costs or effects—may be inadequate for most policy decisions and should be supplemented whenever possible with information that will aid interpretation. The reporting of a specific performance level, however, may be better than no evaluative information at all because policymakers may have a relatively consensual, intuitive understanding of the performance level they consider adequate.

Most juvenile justice professionals, for example, would be pleased at an 85-percent completion rate in almost any program; most would be pleased with a recidivism rate that was less than 10 percent over a 12-month period. Most would be satisfied with a program that cost $300 per case, even if they did not know much about what was done with the case.

These judgments are based on experience and on perc ions (or hunches) that "most" programs do not produce such completion rates or recidivism rates. Policymakers and others further removed from the program, however, usually will not have well-developed perceptions with which they can judge such information unless it is presented in a comparative perspective.

Many evaluation systems begin with descriptive data and do not develop any comparisons until later. Over time, however, if the same data elements are routinely included, data from previous years can be used to establish a program-specific performance standard which, in turn, can be used to monitor any change in performance levels.

Comparison With Management Objectives

Comparison of costs or program achievements with quantitative management goals and objectives is a second standard commonly found in evaluations. Whether this is a good way to judge the performance of the project depends on the rationale underlying the initial choice of program objectives and the uses to which the results will be put.

Quantitative management objectives refer to specific statements of goals, such as:

- Handle 400 juveniles with restitution orders.
- Maintain an 85-percent successful completion rate.
- Maintain a reoffense rate, corrected to an annual base, of less than 25 percent.
- Maintain a cost per case of less than $600.

If the results of the evaluation indicate that some objectives are unrealistic, then a new model needs to be developed. For example, it may be unreasonable for restitution counselors to carry caseloads of 75 youths and expect to have an 85-percent completion rate. If so, then either the caseload needs to be reduced (resulting in a higher cost per case) or the program managers need to be satisfied with a lower rate.

It is appropriate to evaluate a program against its quantitative goals and objectives only if these are based on an underlying rationale that is clearly related to program effectiveness. Most quantitative goals or objectives are selected in a highly arbitrary manner, rather than through a careful analysis of the level needed to achieve program "success" or to maintain a positive cost-benefit ratio.

Management goals are usually established to provide motivation for staff or to set program-specific standards of performance. Such goals may be based upon seemingly reasonable assumptions which, if not true, will require reevaluations.

More likely, however, project directors establish quantitative objectives at a relatively low level to virtually guarantee that they can accomplish them. Thus, an evaluation that compared actual performance against quantitative objectives would not be able to find fault with the managers' productivity. This has had the unfortunate effect of programs setting much lower goals than they should. Program managers should feel free to establish quantitative goals that serve internal management purposes and assist in estimating future needs without being afraid that someone will hold them rigidly to these standards when judging project performance. To do otherwise will result in "goal deflation."

Contrary to conventional wisdom, evaluation can proceed quite well whether or not the program ever establishes any quantitative goals or objectives. During the planning process, critical questions can be asked (What is the successful completion rate? What is the inprogram recidivism rate? What proportion of victim losses are repaid?). During the evaluation, these questions can be answered and the results reported. There are no nationally validated standards that a restitution program could use to develop quantitative management objectives.

Quantitative Management Objectives and Evaluation

Program "A"

	Program Goals	Evaluation Results
Successful Completion	70%	80%
No. Rearrests in 6 Months	70%	90%

Great Program!!

Program "B"

	Program Goals	Evaluation Results
Successful Completion	90%	80%
No. Rearrests in 6 Months	95%	90%

Terrible program, it failed to reach a single goal!

This discussion should not be interpreted to mean that programs should abandon the idea of setting quantitative management goals. On the contrary, quantitative objectives, when developed as part of an overall system-level planning process, serve a very important function in estimating caseflow and resource needs at every point in the system. Programs should monitor these goals, but not for the purpose of determining that they are "successful" or "unsuccessful." The purpose is to "fine-tune" the model and develop more accurate projections for the next year. Consider the following example:

A restitution program might propose that the court refer all first-time property offenders, 50 percent of second-time property offenders, and 25 percent of those with three or more offenses. The program could then estimate the number of cases it will receive and the number of restitution caseworkers needed if the caseload was set at 50 (or 75 or 100). Furthermore, suppose the program estimates that half of the youths could find their own jobs, but that rotating slots would be needed for 25 percent and the remaining 25 percent would need subsidized jobs. With these estimates, the program could develop reasonable expectations about the necessary number of job slots and amount of subsidy funds. The program might decide that an 85-percent completion rate and a 10-percent (annually adjusted) recidivism rate would be good goals to achieve.

The evaluation should monitor each of these estimates—not because the information will be used to decide that the program is a "success" or a "failure," but so the accuracy of the entire model can be ascertained and adjustments made for the coming year. If the proportion of youths who can obtain their own jobs is incorrect, for example, adjustments need to be made in the distribution of program resources to permit the development of more job slots or more subsidized funds. If the successful completion rate is lower than the goal, the program could either adjust its expectations or reduce the caseload.

Even better, the program could develop an evaluation that would examine the predictors of success and failure in an effort to devise strategies that will produce a higher success rate.

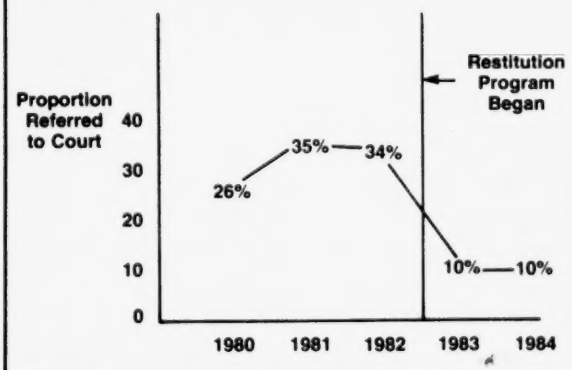
Comparison With Other Strategies

The third standard involves comparisons of the costs and benefits of restitution with other strategies for dealing with delinquency. There are three common approaches:

- Comparison with the past (time-series analysis).
- Comparison with concurrent programs.
- Comparisons within the restitution program itself.

In practice, most programs begin their evaluations by developing descriptive data on several important performance measures, then comparing these with previous years for which they can develop comparable information. In effect, this is a comparison of a juvenile justice system that has a formal restitution program to a system that does not.

Impact of Diversion Restitution On Court Referrals



From "Earn-It," A Restitution and Community Service Program in Columbia County, Pennsylvania

For example, a program could develop data on the amount of restitution ordered and the amount paid for several years prior to the initiation of a formal restitution program in the community. By comparing these years with the years after the program begins, the evaluation can produce a relatively reliable estimate of the program's impact on restitution payments.

Similar comparisons could be made in terms of other potential benefits and costs—including recidivisim rates, victim satisfaction, total cost of the juvenile justice system, and so forth.

Comparisons also can be made with concurrent programs within the juvenile justice system, such as probation, suspended commitments, short-term local detention, fines, special programs (wilderness programs, counseling), or commitment to a juvenile institution. Such comparisons are commonly undertaken in outcome evaluations (also called impact or summative evaluations).

For such comparisons to be meaningful, the cost per case needs to be determined for each program and appropriate outcome measures (such as amount of restitution returned to victims and recidivism rates) should be selected and compared.

Impact of Mediation on Juvenile Performance

	Mediation? Yes	No
Successful Completion Rate	90%	86%
12-Month Inprogram Reoffense Rate	11%	14%

Impact of Subsidies on Juvenile Performance

	Subsidy? Yes	No
Successful Completion Rate	90.2%	84.5%
12-Month Inprogram Reoffense Rate	20%	34%

Results are based on 13,555 cases in 85 different restitution programs.

From the 2-Year Report on the National Evaluation of the Juvenile Restitution Initiative

Another type of comparison—especially effective for improving program performance—is to compare components within the program in terms of their costs and various measures of effectiveness.

For example, a program may wish to compare a community service component with a monetary restitution component in terms of costs and recidivism rates of certain types of juveniles. This analysis could determine whether one type of restitution works better for certain kinds of youths. Younger juveniles, for example, might do better in community service than in monetary restitution.

Other comparisons might include the following:

- Comparison of different kinds of work sites in terms of successful completion rates and inprogram reoffending.
- Comparison of mediated and nonmediated cases in terms of successful completion, amount of order, victim satisfaction, and inprogram reoffense rates.
- Comparison of volunteer mediators and staff mediators in terms of successful mediation agreements reached.
- Analysis of the size of the order and successful completion rates.
- Comparison of sole sanction restitution and restitution plus probation in terms of costs, completion rates, and recidivism.
- Comparison of diverted (preadjudicated) restitution and court-ordered (adjudicated) restitution in relation to costs, completion rates, amount returned to victims, and recidivism.
- Comparison of different kinds of juveniles (age, race, sex, number of prior offenses) in terms of successful completion and recidivism rates.

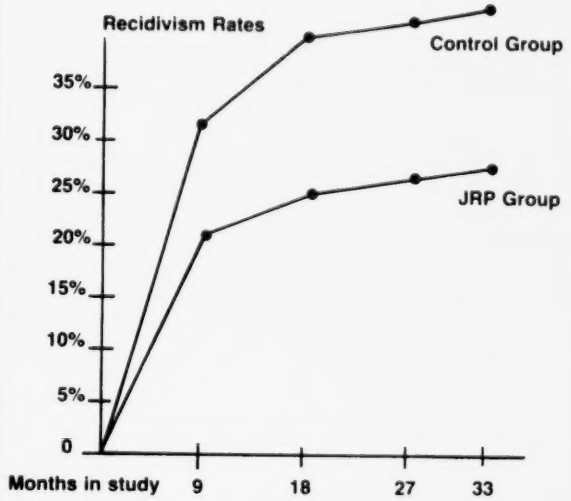
The purpose of these comparisons is to increase the efficiency of the program by a careful analysis of the costs and effectiveness for each major component and for juveniles who have different characteristics.

Whenever changes in program strategy are contemplated, the evaluation should focus on an analysis that can delineate potential effects. As changes are made, the evaluation should carefully examine the impact of such changes to ensure that the shift in strategy is having positive consequences.

Evaluations that compare alternative strategies either within the restitution program or across programs should go beyond simply determining which program "works better" to whether characteristics of juveniles indicate a higher probability of success in a particular program. If so, the court can increase efficiency simply by placing juveniles in more appropriate programs.

The purposes of outcome evaluations involving cross-program comparisons are to aid the court and the community in determining how to allocate scarce resources and to improve program effectiveness.

Impact of Restitution Dispositions on Rearrest Rates



From the Charleston, South Carolina, Juvenile Restitution Program

It is certainly true, however, that there may be clear "winners and losers" in an outcome evaluation that compares restitution with probation or incarceration or other programs. This is also true for inprogram comparisions of, for example, community service restitution and monetary restitution vis-a-vis recidivism rates. If a persistent and recurring pattern emerges from the evaluations regarding the comparative superiority of one program over another in relation to costs or effectiveness, serious consideration must be given to reallocating resources.

Single studies, however, seldom prove the superiority of one treatment because differences may be due to characteristics of program managers, staff, resources, or clients. On the other hand, consistently successful replication of such studies should be viewed as evidence that some programs work better.

Whenever comparisons are made, there are a number of technical questions about research design and causality that have to be addressed.

If one program has a lower recidivism rate, there are several contending explanations: is the program with the lower recidivism rate more effective, or did the program with the lower rate receive less risky referrals, better caseworkers, or more resources?

Errors of explanation can result in the elimination of effective strategies and the continuation of ineffective ones. There are methodologies especially designed to analyze comparative data and sort out the causal relationships; it is essential that these be used before conclusions are drawn regarding comparative effects. And, as mentioned previously, a well-designed evaluation always seeks reasons for its findings. If one program is more effective than another, the study should be able to pinpoint characteristics that make a difference.

In spite of the increased complexity of the comparison and the design, juvenile justice systems should routinely compare the performance of different strategies: restitution, probation, short-term detention, incarceration, alternative types of educational or counseling programs, and so on. A particular program, of course, does not have much incentive to compare itself against others (unless it is confident of the outcome and wishes to expand its services). Nevertheless, the overall juvenile justice system is well served by these comparisons, especially if an effort is made to identify which programs are most effective with which types of juveniles.

Cost-Benefit Ratios

Programs often claim that they have a "cost-effective" approach to the delinquency problem or a good "cost-benefit" ratio. In spite of such claims, cost-benefit standards are rarely used in a valid manner for social programs such as restitution. The use of a cost-benefit standard is not the same thing as simply measuring all the costs and as many benefits as possible. This is commonly done in evaluation research—as it should be.

To develop a cost-benefit ratio, it is necessary to measure all of the costs of the program and the total net social benefits. These must all be converted to a dollar value so that a ratio can be formed. This final ratio determines whether the program is "worth what it costs."

A much better procedure for social programs in which there are some benefits that are not easily converted to dollar values (and some benefits that may not be measurable at all)

is to estimate the costs and benefits, but not form any final ratio that presumes to show the net social value of the program.

The evaluator should design a study that will measure the benefits attributable to the program by comparing against benefits that would have occurred even if the program had not existed, or the benefits that would have existed if some other strategies had been used. For example, the number of future crimes prevented by the program is one of the most important benefits of any juvenile justice intervention. Hence, the recidivism rate of the restitution program should be compared to the rate that would have existed without the program (e.g., if the youths had been on probation) in order to obtain this estimate. Likewise, the victim satisfaction level attributable to the program should be ascertained by determining the level that would have existed without the program. This approach involves the cross-program comparisons discussed previously.

It is especially important that restitution program managers understand that comparisons of the cost of the program with the amount of restitution returned to victims is not a cost-benefit analysis. Restitution programs have benefits other than payments to victims: holding juveniles accountable, reducing recidivism, victim satisfaction and confidence in the system, and so forth.

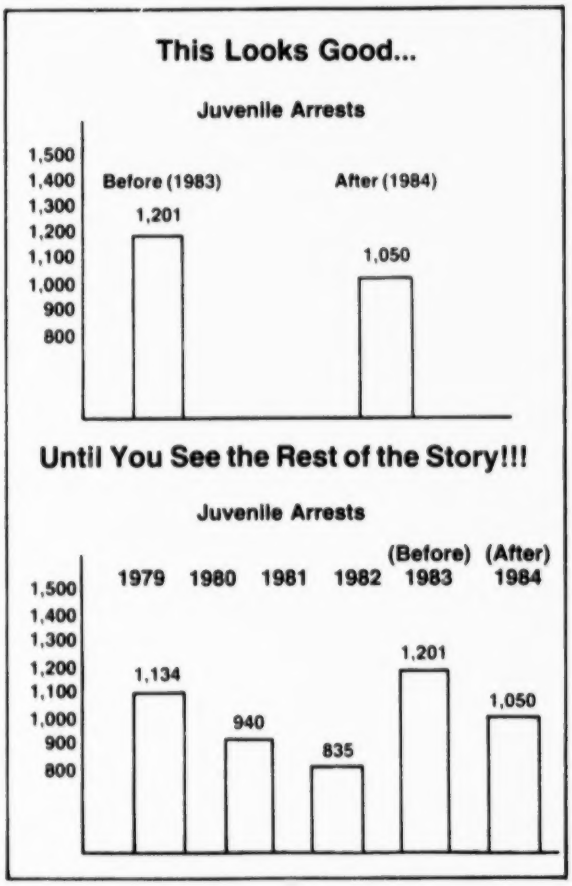
One additional point should be made about the phrase "cost-effective." It is becoming common practice for programs to claim they are "cost-effective" whenever their cost per case is lower than in some other program. This is an inaccurate claim, since no measures of effectiveness have been included. To say that one program is more "cost-effective" than another means that it produces more benefits for the same cost or the same level of benefits for lower cost. Simply costing less is not evidence of cost-effectiveness.

Causality

The causal relationship between the restitution program and a particular performance measure becomes an issue when there is doubt whether observed changes in performance should be attributed to the program.

For example, suppose the 12-month recidivism rate within a particular court declined from 25 percent to 20 percent in the year following implementation of a restitution program. Should the restitution program be credited with this improvement? Probably not. There are many reasons for changes in the recidivism rate—including chance or random fluctuations that always occur from one year to another for reasons that are not discernable.

In spite of this, many programs report juvenile arrest statistics for the year before and the year after they start and claim the difference as part of their impact. Given the overall decline in juvenile crime for the past several years, restitution programs can look good on this score. Almost any program can make itself look good simply by going back several years to find an especially high number of juvenile arrests and comparing it to the present. Even though a program might fool the inexperienced with these statistical tricks, a good evaluation will not engage in this type of reporting.



A program should not be credited (or blamed) for changes in performance unless (a) there are no other reasonable explanations or (b) all other reasonable explanations can be ruled out with statistical analysis or logical argument.

In some instances, the cause and effect are "close together" and there are no alternative explanations for an improvement (or decline) in performance. For example, the results of an evaluation might show that, after a mediation component was added to the restitution program, the number of successfully mediated agreements increased from zero to 200. There are no alternative explanations—other than the mediation program—that could account for the dramatic increase. Hence, this component of the program can be credited.

In contrast, suppose a survey revealed that 60 percent of the victims who participated in the mediation program said they were "satisfied" or "very satisfied" with the way the juvenile justice system handled their cases, compared with 40 percent who made that claim during the year before the mediation component was added. Many factors could have altered the level of victim satisfaction; it is not reasonable to credit the mediation component with this outcome. Some change in satisfaction could be expected by chance alone. Improvement in program management could have made the difference, as could differences in many other aspects of the system. In particular, victims who agree to mediation may already have a more favorable view of the system than those who refuse. Hence, the post-mediation group may be a biased sample.

Rather than claim that the improvement in victim satisfaction was due to the mediation component, a design should be established that can statistically isolate the amount of victim satisfaction that should be attributed to the program and the amount that probably would have occurred even if the mediation component had not existed.

It is not possible to present a comprehensive review of all the different types of evaluation designs and how the data should be analyzed. These decisions, however, must be made as the evaluation is being planned—whether by a staff person or an outside evaluator. Evaluation is not something that can be done in one's spare time or on weekends. It is a type of research and requires research skills.

Implementing and Managing Evaluations

The evaluation planning process should culminate in a list of specific evaluation purposes to be addressed, data elements needed, the reason for each data element, the source of each data element (MIS or special data collection), standards or comparisons to be made, and the design that will be used to attribute causal effects to the program (if needed). In addition, the plan needs to include how the data will be collected (who, when) and who will analyze it.

Three variables will ultimately determine the shape of the evaluation: purposes to be achieved, the existing data, and the cost of obtaining and analyzing new data. The final aspects of the planning process usually involve careful consideration of whether it is worth implementing new data collection procedures to accomplish purposes which, although desirable, will increase the cost or complexity of the study.

Evaluations can be conducted on a contract basis or by hiring staff with evaluation skills. It is usually not a good idea to assign evaluation responsibilities to existing staff unless they have had some experience or training in research (data collection, instrument development, data analysis, and so forth). Regardless of how the evaluation is done, it is the responsibility of the project director to ensure that the evaluator is involved at the beginning, when the study is designed, and stays with it through the analysis, writing, and reporting.

The project director should give careful thought to the purposes of the evaluation (in relation to external constituents, internal policy issues, or both) and should then ask the evaluator to review the existing data and the current design possibilities. The evaluator should present one or more designs, along with the cost of each and the questions that could be answered. Alternatively, the project director could specify the upper limit on cost and ask the evaluator to determine the purposes that could be met within that cost.

A common mistake is for project personnel to design the study, collect the data, and call in the evaluator at the end to carry out the statistical analysis. The results are usually a disaster: the evaluator does not like the way the study was designed, does not have confidence in the data, and does not understand the nuances of the study or the context in which the report will be made.

A better plan is to have the evaluator and program manager both involved in the design from start to finish.

Background and "Politics"

Project directors must provide full information to the evaluator about the background of the project, the sources of its funds, the values of those responsible for the funds, political issues that have arisen in the past, decisions that are to be made in the future, groups that have an interest (positive or negative) in the program, and the nature of political issues that may arise. Without this information, the evaluator will not understand the nuances of topics suggested by the project director. Project directors who are not familiar with statistical analysis or design sometimes underestimate the types of issues that can be addressed by an evaluation and sometimes overestimate the usefulness of the data and design in illuminating certain issues.

Skills and Qualifications

Evaluation requires research skills as well as substantive knowledge of the program and its environment. Thus, either project personnel need to develop research skills or outside evaluators need to be made familiar with the program and the issues. Otherwise, the study is likely to produce an invalid report (due to the poor quality of the data, the measurement, the analysis, and so forth) or a report that does not deal with the important questions.

Cost of Evaluation

Evaluation of restitution programs should cost between $2,000 and $10,000 per program, per year, provided the design and data collection are developed in conjunction with the evaluator and integrated into the management information system of the program. There are some startup costs, which, once incurred, do not need to be repeated.

"One-shot" evaluations—in which someone comes in, collects data, analyzes it, produces a report, and then leaves the program with no ongoing evaluation system—should be avoided if possible. The high cost of evaluation often occurs because programs do not have adequate data systems or because data outside the program have to be collected for comparison purposes. However, the high cost is also due at least partially to an evaluation's "one-shot" aspect. The evaluators, not being familiar with the data or with the issues, require considerably more startup time than if they were part of an ongoing evaluation system.

Contracting for Evaluation

Programs may find it to their advantage to hire an outside evaluator or to issue a request for proposal (RFP), solicit bids, and then select the evaluator who has the best overall balance between cost and quality of work. If an RFP is

issued, it should set forth the background of the program, the key audiences for the evaluation, the issues expected to be addressed, and the project director's assessment of the most important purposes to be examined.

The RFP also should include good information on the data available on each case, the length of time such data have been collected, and the ease of using these data. (Are they computerized, for example? If so, where? The evaluator will want case-specific data, not just aggregate totals.)

It is good practice in an RFP to specify the amount of money available for the project. Otherwise, those who respond may expand the scope—along with the price—far beyond that envisioned by the project, whereas others may greatly underestimate the scope and come in with a bid that is inexpensive but does not produce the desired information.

Responses to an RFP should be evaluated not simply in relation to cost but also in terms of the information that will be produced and the validity of the results. Again, the key ingredients for a successful evaluation are to ask the right questions and to produce valid, credible answers.

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Guide to Juvenile Restitution

MANAGING

PART V:
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RESTTA

PART V

Research on Restitution: A Guide to Rational Decisionmaking

Peter R. Schneider and Gordon Bazemore, Pacific Institute for Research and Evaluation

Introduction

Although much research on restitution has been completed since the late 1970's, there is now a relatively large body of findings on the implementation and impact of juvenile restitution programs. The bulk of these data were collected as part of the national evaluation of the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) restitution initiative, and some general findings from the evaluation have been mentioned elsewhere in this *Guide*. The focus of this overview of restitution research is to give a more detailed summary of the studies from which these and other conclusions have been drawn and to discuss their policy implications. Primary emphasis is given here to issues of concern to program managers in implementing and managing restitution programs. Hopefully, this overview will help answer those questions asked most frequently by local officials, employers, criminal justice officials, and the general public.

Orders and Compliance

By now, the reader of this *Guide* should be aware of answers to two of the first questions asked about juvenile restitution: will judges order it as part of an offender's disposition, and can the youth complete the order?

Data collected during 2 years of operation of 85 projects in OJJDP's national initiative revealed that judges ordered $2,593,581 in monetary restitution, 355,408 community service hours, and 6,052 victim service hours. This suggests that, at least where organized projects are available to monitor compliance, there is no judicial reluctance to require restitution of juvenile offenders.

Perhaps the most significant finding, however, is that judges were not afraid to order restitution for serious offenders. Management information system (MIS) data collected by the Institute of Policy Analysis showed that one-half of the more than 18,000 referrals to restitution programs in the national initiative had prior offenses, and 22 percent had three or more priors. In addition, 54 percent of program referrals had been adjudicated for serious or very serious offenses, and 3.5 percent (more than 600 offenders) were referred for rape, aggravated assault, or robbery.

A number of references have also been made to several indicators suggesting that fears about the inability of juveniles to pay restitution or work community service hours are for the most part unfounded. After 2 years of referral to programs in the national initiative, some $1,533,000 in restitution had been paid by juvenile referrals, representing 74 percent of judicial orders. Ninety percent of this amount was paid by youths themselves, without help from parents or other relatives; 8 percent came from parents and 2 percent from other sources.

According to these same data, in closed cases where the amount of restitution was known, slightly more than three-fourths of the dollar loss to victims was, on the average, paid as monetary restitution (Schneider, et al., 1982:38). In addition, the data showed that 56 percent of all closed monetary cases with a known victim loss paid 100 percent or more of the loss. Youths in the Federal initiative also completed some 260,000 community service hours and 4,061 victim service hours—in both cases, well over half the amount of hours ordered.

On other program performance indicators, data on closed cases showed that 86 percent of all referrals to the OJJDP-funded restitution projects were closed in compliance with original or adjusted restitution requirements. Finally, the inprogram reoffense rate, or the proportion of youths with new contacts with the court while under program supervision, was 9 percent in the first year and 14 percent in the second. While it is difficult to determine whether these rates should be viewed in a positive or negative light, they do not seem high given the seriousness of restitution referrals.

Although these aggregate figures may be used (with caution) as a basis for rough comparisons between restitution and other dispositions, of more interest to project managers are a number of studies specifically focused on the effect of various program decisions on performance outcomes. In addition, many observers want to know how the incidence of successful completion and other program performance measures are influenced by the kinds of offenders admitted to restitution programs.

Types of Offenders and Offenses

It is commonly assumed that restitution as a disposition works better or is more appropriate for particular kinds of offenders. Schneider et al. (1982) examined successful completion rates for offenders who differed on a variety of background characteristics. They found a uniformly high completion rate of around 80 percent or better for almost all offender groups and surprisingly little variation across demographic variables. Out of several demographic variables examined, including race, age, sex, education, and family income, only regular school attendance and income had significant effects on program completion. Of those in school full-time, 89 percent complete their restitution orders successfully, compared with 79 percent of those not in school. The effect of income was also small but consistent: 92 percent of referrals whose family income was $20,000 or more completed their orders successfully, as compared with an 81 percent completion rate for offenders from families earning under $6,000.

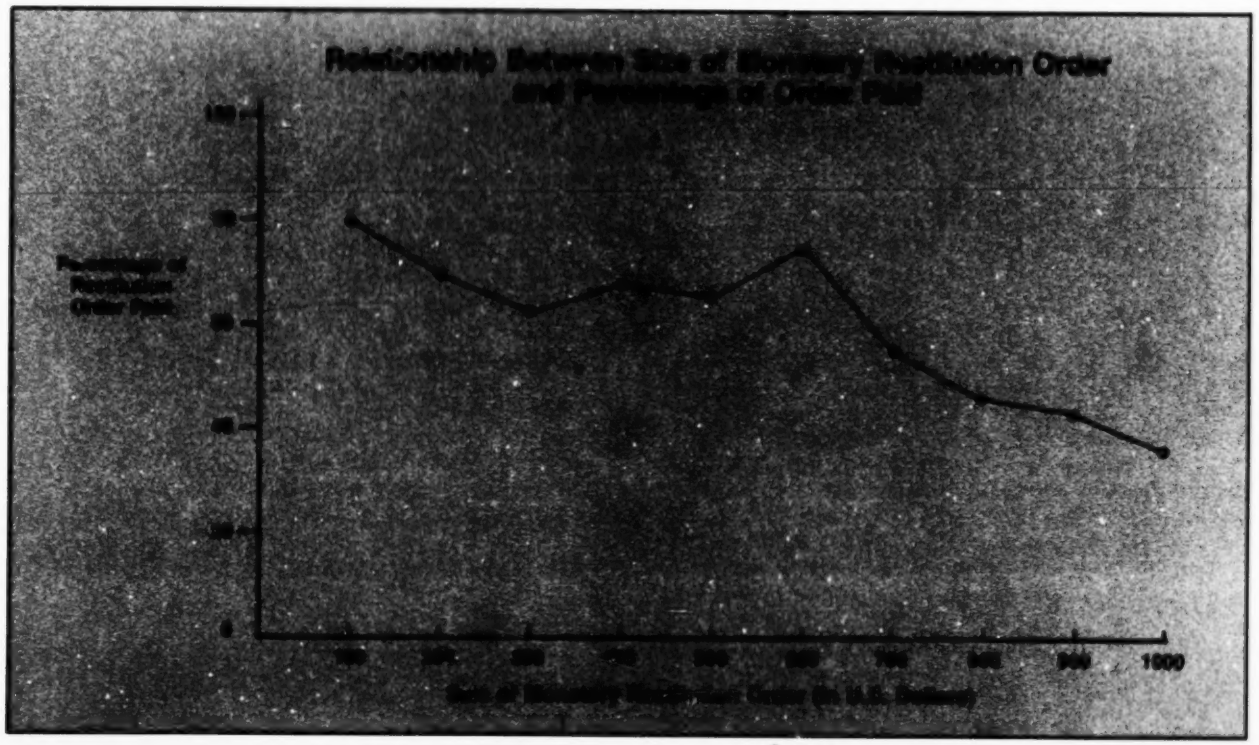
The same study found, as might be expected, that the number of prior offenses was related to successful completion (Schneider et al., 1982: 83-84). Referrals with no prior offenses had a 90 percent successful completion rate; each additional prior reduced the completion rate by slightly more than 2 percent. However, even referrals with six or more prior offenses had a 77 percent successful completion rate.

Perhaps the most notable finding is the lack of correlation between completion rates and offense seriousness. Grouping referral offenses into nine seriousness categories, Schneider et al. (1982:86) found virtually no differences in successful completion between youths adjudicated for very serious personal or property offenses and those referred for very minor victimless offenses. For the most serious categories of personal and property offenses—including rape, assault, robbery, and burglary—the completion rate was around 84 percent, only 2 percent less than the rate for the least serious offense categories. Offense seriousness also did not appear to strongly affect the rate of inprogram reoffending (Schneider et al. 1982:6).

While the reoffense rate for the Federal initiative as a whole was about 9 percent after 1 year, the most serious offenders reoffended at a 15 percent rate. In addition, only 20 percent of these serious offenders were unsuccessful in completing restitution, compared with 14 percent of offenders in the initiative as a whole. These findings suggest that even the most difficult offenders need not be passed over as candidates for restitution programs.

Organizational Components, Programmatic Decisions, and Program Performance

Although there is an almost infinite variety of ways to organize restitution programs, a study of the impact of organizational characteristics on successful outcomes (Schneider, 1983a) suggests that these decisions may be less critical for program performance than might be imagined.


Relationship Between Size of Monetary Restitution Order
and Percentage of Order Paid
Percentage of Restitution Order Paid
1000

Looking at a variety of program models and combinations of components, such as type of restitution and services offered, type of agency administering the program, location in the juvenile justice system, use of subsidies, and use of victim-offender mediation, Schneider found that most program components had little effect on successful completion rates. Even with the least effective configuration of components, he concluded that about 60 percent of program referrals would complete their orders and return some 89 percent of the restitution required.

One factor that did appear to influence successful completion was the size of the restitution order. Schneider et al. (1982:90) found that the probability of completing a restitution order varied by 15 percentage points, depending on the size of the order: 92.7 percent of referrals with orders of $41 or less completed their orders, while only 77.4 percent with orders of more than $336 completed successfully. The data suggest that there are two thresholds in the amount of restitution offenders may be expected to complete.

For very small orders (of $100 or less) about 83 percent of the money ordered, on average, was ultimately recovered. The average percentage then dropped off sharply until $300 was reached, after which it leveled off. The second threshold apparently occurred at the $600 mark, when the average percentage of the order began to be reduced sharply; at $1,000 or more only 36 percent, on the average, was paid (Schneider, 1984).

The size of the order also was a significant factor for community service plans. Offenders with orders of over 75 hours had the lowest successful completion rates of any group in the initiative (76.9 percent), while those with orders of 16 hours or less had a 96.2 percent rate.

The policy implications of the relationship between size of order and successful completion are of course complex, and this finding may not be viewed as practically useful by program managers. In addition, there may be logical fallacies involved with efforts to base orders on probability figures. However, these data do provide a guide to decisionmakers concerned with maximizing successful completion of orders.

By trying to enhance the likelihood that youths will complete orders, program managers may better defend themselves against the criticism that ordering restitution "sets youths up for failure."

Employment Subsidization

Another controversial decision facing restitution projects in the national juvenile restitution initiative was whether and how to utilize employment subsidies. Funds were made available by OJJDP to subsidize employers hiring restitution referrals, thus encouraging private sector participation, or to pay youth directly in public-service jobs. The intent of subsidization was to ensure that restitution would be used for low-income or difficult-to-employ youth, as well as to increase the likelihood that youths could earn money to pay off restitution orders. Some 25 percent of cases in the national initiative worked in jobs in which their earnings were at least partially subsidized by restitution programs.

In a study that focused upon the performance of referrals to projects that received subsidies, Griffith (1983a) found that subsidization increased successful completion rates by about 12 percent for all offenders in the initiative. For the highest-risk group—poor, nonwhite, chronic offenders with large orders—Griffith estimated that subsidies may have increased successful completion by as much as 28 percent. Neither the amount of subsidy, on the other hand, nor the amount of earnings an offender was permitted to keep had a noticeable effect on completion rates. Griffith argued in conclusion that the use of subsidies for certain offenders probably helped ensure participation by many of the more difficult offenders as well as increase the rate of completion for these and other referrals.

Sole Sanction Restitution

Aside from the use of subsidies, the only other program characteristic out of a number examined by Schneider (1983a) that seemed to have a substantial and consistent effect on program performance was the use of restitution as a sole sanction.

In an earlier comprehensive study of sole sanction restitution based on data from more than 10,000 restitution cases, Schneider, Griffith, and Schneider (1982) compared outcomes of cases in which restitution was ordered as a condition of probation with those in which offenders were ordered to make restitution as a sole sanction. Among all categories of offenders, successful completion rates were higher (by 10 percent) and inprogram reoffense rates were lower (by 6 percent) among referrals required to make restitution as a sole sanction. Even when a wide variety of factors were controlled (including race, gender, income, prior offenses, and offense seriousness), the effect of sole sanction orders remained strong.

The extent of court control appears to be a major factor in the superior performance of sole sanction cases, and the authors of the study speculated about possible explanations for these findings (Schneider, Griffith, and Schneider, 1982:64-64). Youths ordered restitution only may be responding favorably to positive labeling or to the confidence and trust implied by this enforcement mechanism. A second explanation is that the additional requirements of probation simply make the sanction more complicated and increase the probability that an offender will fail to meet expectations.

Finally, youths on probationary supervision will usually be subject to greater surveillance than sole sanction cases and therefore more subject to being detected for new violations.

In the absence of experimental controls for the effects of unknown variables, however, it cannot be said unequivocally that sole sanction cases can be expected to perform better than cases also under probationary supervision. This issue is examined more thoroughly in the discussion of experimental results from a project in Oklahoma County, Oklahoma, later in this chapter.

Programmatic vs. Ad Hoc Approaches

Schneider (1983a:13) concludes his study of the impact of various mixes of organizational components by suggesting that most decisions about program characteristics seem to have little effect on program performance. While there is some effect on successful completion and other performance indicators for specific program features, such as use of sole sanction, in most cases the impact is modest (less than 10 percent on most performance measures).

This finding suggests, according to Schneider, that programs can shape organizational components to be compatible with local conditions and philosophical preferences without jeopardizing performance. It does not suggest, however, that courts should simply add the collection of restitution to the responsibilities of probation officers or other court staff in an *ad hoc* fashion. A study specifically focused on comparing the effectiveness of restituion implemented by probation staff with restitution monitored and enforced by a restitution program demonstrated why a programmatic approach is needed.

As part of the national evaluation of OJJDP restitution initiative projects, Schneider and Schneider (1984) compared program performance of youths ordered restitution who had been randomly assigned into the Dane County, Wisconsin, Youth Restitution Program (YRP) with those referred to the Probation Department (Youth Services). The latter group were to have their restitution orders monitored and collected by probation officers, while youths assigned to the YRP were monitored by and received services (including job placement) from trained staff with a primary responsibility for restitution tasks.

The Dane County data clearly establish the superiority of a programmatic approach to restitution as opposed to ad hoc implementation. Youths randomly assigned to the YRP had a 91 percent rate of successful completion while only 45 percent of those assigned to make restitution under the supervision of probation alone completed orders successfully. In addition, 37 percent of the probation referrals paid none of the order while only 2 percent of the YRP referrals failed to pay any of the order. In summary, the Dane County findings strongly suggest that successful completion is more likely to occur when greater importance is attached to the restitution requirement and when the juvenile is given additional incentives (e.g., job assistance and subsidies) to comply with the order (Schneider and Schneider, 1984).

Restitution and Recidivism

The earliest studies of the impact of restitution on recidivism were undertaken in the late 1970's with adult offenders. The first of these, conducted by Heinz, Hudson, and Galaway in 1976, reported that adult parolees assigned restitution after their release had fewer reconvictions than a matched group of incarcerated offenders. A 2-year followup of adult offenders released from the Minnesota Restitution Center reported similar results (Hudson and Chesney, 1978), while a study by Bonta, et al. (1983) found that adult offenders in a restitution program had higher recidivism rates than those in a control group, though the differences were not statistically significant and restitution cases were from a higher-risk group than the control cases.

Findings from studies of juvenile restitution on recidivism have been favorable toward the restitution sanction when compared with other dispositions. Offenders assigned restitution have generally had a recidivism rate no higher than those assigned other, usually more coercive, dispositions.

In the first two tests of the impact of restitution on recidivism, Wax (1977) reported no statistically significant differences in recidivism between juveniles randomly assigned into monetary restitution (with victims present at sentencing), community service restitution, and a control group that had no victim contact and paid no restitution.

In another study that examined the recidivism rates of about 250 juvenile offenders in the Tulsa County, Oklahoma, juvenile restitution program (Guedalia, 1979), lower recidivism rates were observed among those having victim contact and restitution orders of less than $100.

More positive results were obtained from two more recent studies of the impact of restitution on recidivism. Cannon and Stanford (1981) found a 19 percent rearrest rate among restitution cases over a 6-month time period, compared with a 24 percent rate for nonrestitution groups. Hofford (1981) reported an 18 percent recidivism rate for youths in a juvenile restitution program, compared with a 30 percent rate for a matched group of offenders on regular probation.

While the results of these studies give some indication of the impact of restitution on recidivism, methodological problems, such as lack of equivalence between comparison groups and small sample size, make additional replication necessary.

Recidivism and Differential Treatment Modalities

The national evaluation of juvenile restitution programs permitted for the first time a systematic examination of the impact of restitution on recidivism. In addition to data from experimental sites, evaluation staff also collected data from 79 other programs on the incidence of offending while under the supervision of restitution staff and the jurisdiction of the court.

One of the experimental sites in the national evaluation, Clayton County, Georgia, allowed for a comparison of youths assigned to one of four distinct treatment strategies: restitution, counseling, restitution and counseling combined, and a control treatment consisting of the normal disposition of either probation or incarceration.

In the Clayton County experiment, 265 cases randomly assigned to one of these four options were compared on number of recontacts with county juvenile and adult courts during a followup period that averaged 3 years from program referral (Schneider and Schneider, 1985).

Overall, referrals in the two restitution groups (some 40 percent of which performed monetary restitution and the remainder community service) were less likely to be brought back to court for new offenses during the followup: 51 and 54 percent of the restitution-only and restitution-and-counseling groups respectively did not commit any new offenses, compared with 40 and 48 percent of the counseling-only and control groups (Schneider and Schneider, 1985).

Youths in the restitution groups also tended to commit less serious and substantially fewer offenses during the followup. The two groups who were required to make restitution committed, respectively, 64 and 47 offenses per 100 youths per year, compared with 84 and 75 offenses per 100 youths per year in the nonrestitution counseling and control groups.

Recidivism in Clayton County, Georgia

	Restitution		Nonrestitution	
	R	R&C	C	Control
Group Reoffense Rates				
Number of cases	73	74	55	56
Number of subsequent offenses for group	136	101	139	129
Months of risk time for group	2,548	2,626	1,976	2,066
Average risk time per youth (in months)	35	35	36	37
Average number of offenses per year	1.86	1.36	2.53	2.30
Overall re-offense rate per 100 youths per year	64	47	84	75

R = Restitution
R&C = Restitution plus counseling
C = Counseling only
Control = Nonrestitution probation or incarceration

The Clayton County findings suggest that restitution had a positive impact on recidivism when compared with more traditional dispositions. In addition, the findings suggest that restitution is a viable disposition on its own and need not be supplemented with counseling to be effective in reducing recidivism.

The Oklahoma County restitution program provided a unique opportunity to experimentally compare the effectiveness of restitution as a sole sanction with its far more typical use as a condition of probation (Schneider and Schneider, 1983). In the Oklahoma County experimental evaluation, adjudicated youths were randomly assigned to one of three groups: sole sanction, restitution and probation, and a control group on probation that had no restitution orders. Youths ordered to make restitution without probation did not have significantly higher recidivism rates, based on official records for 298 offenders, than those assigned to one of the other groups. Over a 2-year followup period, sole sanction referrals committed 72 new offenses per 100 youths per year, compared with 74 new offenses for control group referrals and 64 for the restitution plus probation group (Schneider and Schneider, 1983). The differences among these groups were small, and well within the bounds of measurement error.

Recidivism in Oklahoma County, Oklahoma

	Sole Sanction Restitution	Restitution and Probation	Control Group
Group Reoffense Rates			
Number of cases	107	116	83
Number of subsequent offenses for group	149	147	123
Months of risk time for group	2,463	2,764	2,003
Average risk time per youth (in months)	23	24	24
Average number of offenses per year	1.4	1.3	1.5
Overall re-offense rate per 100 youths per year	72	64	74

The fact that sole sanction assignments did not do better than the probation groups in Oklahoma City, as was the case in the previously discussed national but nonexperimental study (Schneider, Griffith, and Schneider, 1982) may be due to a "creaming effect" among referrals in the latter dataset. Under normal conditions, where random assignment is not in effect, judges may have been prone to refer easier cases to the sole sanction option. Such creaming would of course not have been possible in the Oklahoma County experiment, which used random assignments to program and control groups.

In any case, the Oklahoma County experiment does indicate that sole sanction clients were no more likely to reoffend than other referrals. Taken with the finding that there also were no significant differences among groups in completion

of restitution requirements, this outcome strongly suggests that sole sanction may be a viable option for jurisdictions that would like to reduce costs and probation caseloads while implementing restitution.

In the Washington, D.C., program, youths were randomly assigned into either a victim-offender mediation restitution program or normal probation. In a 2-year followup of recidivism, Griffith (1983b) found lower reoffense rates for youths randomly assigned to restitution than for those assigned to normal probation. The results of this study, based on official records for more than 400 juveniles, showed that the recontact rate for the restitution group was 53 offenses per year per 100 youths, while the recontact rate for the probation group was 65 offenses per year per 100 youths. Restitution cases had lower rates on most measures, particularly in multiple regression analyses where other factors were controlled.

In none of the comparisons did offenders assigned restitution have higher recidivism rates than those assigned probation.

Recidivism in Washington, D.C.

	Incarceration Groups		Probation Groups	
	AI	INCAR	AP	PROB
Group Reoffense Rates				
Number of cases	37	10	144	142
Number of subsequent offenses for group	101	10	207	246
Months of risk time for group	1,351	414	4,635	4,569
Average risk time per youth (in months)	36	41	32	32
Average number of offenses per year	2.73	1.00	1.44	1.73
Overall re-offense rate per 100 youths per year	91	29	54	65

AI = Alternative to incarceration (restitution group)
INCAR = Incarceration (control group)
AP = Alternative to probation (restitution group)
PROB = Probation (control group)

In the Ada County, Idaho (Boise), experimental program, 181 youths were randomly assigned into either a restitution program emphasizing both community service and monetary restitution or short-term incarceration—1 week on average (Griffith, 1983c). In a 22-month followup examination of official court records, offenders assigned to the restitution program committed 86 offenses per 100 youths per year, while those assigned to the incarceration group committed 100 new offenses per 100 youths.

Multiple regression analyses controlling for other group differences also tended to favor restitution referrals over the detention group, 41 percent of which had no subsequent offenses during the followup period as compared with 47 percent of the restitution group.

The data from the Dane County, Wisconsin, experiment (discussed earlier) also were examined to determine whether or not successful completion had an impact on recidivism (Schneider and Schneider, 1984). Referrals who completed restitution orders and those who did not were compared to determine whether those who succeeded in paying restitution would have lower rates of recidivism.

The differences were quite marked: of the juveniles who failed to complete their restitution requirements, 80 percent reoffended within the 3-year followup period, compared with 60 percent of those who had completed their orders.

Recidivism in Ada County, Idaho

	Restitution	Incarceration
Group Reoffense Rates		
Number of cases	86	95
Number of subsequent offenses for group	136	174
Months of risk time for group	1,897	2,134
Average risk time per youth (in months)	22	22
Average number of offenses per youth	1.58	1.83
Overall re-offense rate per 100 youths per year	86	100

In addition, 34 percent of the unsuccessful youths had four or more subsequent court contacts during the followup, compared with 22 percent of the successful juveniles. Controlling for prior offenses as well as other variables in a multiple regression analysis, Schneider and Schneider (1984) also found a dramatic drop in the reoffense rate for youths who proved successful after entering the restitution program. The offense rate for the successful group declined from 122 to 72 offenses per 100 youths per year, a drop of

40 percent, while the decline for the unsuccessful group was only 25 percent.

As a final means of comparing experimental restitution groups with the various alternative treatment groups on patterns of reoffending, self-report data were collected and analyzed as part of the national evaluation of juvenile restitution. While low response rates made strong conclusions difficult in some sites, overall self-report recidivism results were generally consistent with results obtained from analyses of the official reoffense data (Griffith, 1983d).

In Ada County, Idaho, and Dane County, Wisconsin, for example, self-report findings clearly favored restitution assignments. In the other sites, restitution cases were never *more* likely to report higher reoffense rates than cases assigned to control or alternative treatments. These results provide additional support for the favorable impact of restitution on recidivism.

Policymakers who wish to adopt restitution programs for fiscal reasons or because of philosophical agreement can be reassured that they will not face additional risks relative to those associated with traditional dispositions.

Recidivism in Dane County, Wisconsin

	Unsuccessful	Successful
Group Reoffense Rates		
Number of cases	61	190
Number of subsequent contacts for group	191	428
Months of risk time for group	2,196	7,080
Average risk time per youth (in months)	36	37
Average number of contacts per youth	3.1	2.25
Overall re-offense rate per 100 youths per year	104	72

Impact of Restitution on Incarceration

A major goal of OJJDP's national juvenile restitution initiative was to reduce incarceration by extensive implementation of restitution as a dispositional alternative to secure detention. Eligible referrals were intended to be serious or chronic offenders who had a high probability of incarceration. Because of the difficulty in determining which youths would have been incarcerated if they had not been ordered to pay restitution, the national evaluators eventually settled on an approach using five standards developed by the Institute of Policy Analysis to assess the seriousness of project referrals.

Monitors could locate on this guide the type of offenders most likely to be incarcerated, and determine—by examining the characteristics of the referrals—whether projects had included a significant number of offenders who would have been likely candidates for incarceration. About one-third of all referrals met the most stringent seriousness standard, while less than 10 percent failed to meet the least restrictive seriousness standard.

This finding suggests that restitution programs served a number of offenders who might otherwise have been incarcerated. However, in the absence of clear evidence that these referrals (except those in Ada County, Idaho) were chosen from a pool of offenders who had been sentenced to detention facilities or training schools, it cannot be said with certainty that a reduction in incarceration was achieved.

Although data that would permit an assessment of reduction in incarceration were not available for most programs, Wilson (1983) was able to locate applicable statistics in five jurisdictions. Using data from five projects during the period from January 1977 (2 years prior to project startup) through December 1979 (1 year after project startup), Wilson found an unambiguous reduction in incarceration as a result of the implementation of restitution programs in three jurisdictions. In addition, four of the five sites showed a suggestive downward trend in incarceration.

These time-series findings from five jurisdictions cannot, of course, be generalized to other restitution projects in the national initiative. One might speculate that these sites were unique in their ability to provide sufficient data on incarceration, and are thus not representative of most restitution projects.

However, the consistent pattern of reduction across these sites is encouraging for those who support restitution as a means of reducing institutional commitments; when coupled with the previous findings on the seriousness of referrals, restitution seems to be a very powerful alternative disposition.

Program Costs

In the long run, innovative programs, regardless of demonstrated success, often rise or fall in battles over refunding. A major concern of local officials is, of course, program costs. To be most useful, cost estimates should ultimately be related to program outcomes and benefits—a complex task for new juvenile justice programs.

Because of the difficulty of accurately measuring program costs and benefits, research on the cost-effectiveness of restitution programs has been rare.

Five Unofficial Standards for Assessing the Appropriateness of Referrals[1]

Serious or Repeat Offenders

Seriousness Category	Number of Prior/ Concurrent Offenses 0	1	2	3	4	5	6+
Victimless							
Minor Offenses		●	●	●	●	●	●
Minor Property		●	●	●	●	●	●
Minor Personal		●	●	●	●	●	●
Moderate Property	●	●	●	●	●	●	●
Serious Property	●	●	●	●	●	●	●
Very Serious Property	●	●	●	●	●	●	●
Serious Personal	●	●	●	●	●	●	●
Very Serious Personal	●	●	●	●	●	●	●

90.9 percent of reported referrals meet this standard.

Serious or Repeat Offenders: (a) Victimless offenses are not appropriate; (b) Youths with one or more prior/concurrent offenses are appropriate; (c) Youths whose referral offense is at the "moderately serious" level or above are appropriate.

Serious Offenders

Seriousness Category	Number of Prior/ Concurrent Offenses 0	1	2	3	4	5	6+
Victimless							
Minor Offenses							
Minor Property							
Minor Personal							
Moderate Property	●	●	●	●	●	●	●
Serious Property	●	●	●	●	●	●	●
Very Serious Property	●	●	●	●	●	●	●
Serious Personal	●	●	●	●	●	●	●
Very Serious Personal	●	●	●	●	●	●	●

83.5 percent of reported referrals meet this standard.

Serious Offenders: All youths whose immediate offense is at or beyond the "moderate property" category are appropriate. Those in the victimless or minor categories are not appropriate.

Serious and/or Repeat Offenders

Seriousness Category	Number of Prior/ Concurrent Offenses 0	1	2	3	4	5	6+
Victimless							
Minor Offenses				●	●	●	●
Minor Property				●	●	●	●
Minor Personal				●	●	●	●
Moderate Property		●	●	●	●	●	●
Serious Property	●	●	●	●	●	●	●
Very Serious Property	●	●	●	●	●	●	●
Serious Personal	●	●	●	●	●	●	●
Very Serious Personal	●	●	●	●	●	●	●

72.6 percent of reported referrals meet this standard.

Serious and/or Repeat Offenders: (a) Victimless offenses are not appropriate; (b) Youths with three or more prior/concurrent offenses are appropriate; (c) Youths whose referral offense is at or beyond the "serious property" category are appropriate; (d) Youths whose referral offense is at the "moderate property" category are appropriate only if they have one or more prior/concurrent offenses.

Repeat Offenders

Seriousness Category	Number of Prior/ Concurrent Offenses 0	1	2	3	4	5	6+
Victimless							
Minor Offenses		●	●	●	●	●	●
Minor Property		●	●	●	●	●	●
Minor Personal		●	●	●	●	●	●
Moderate Property		●	●	●	●	●	●
Serious Property		●	●	●	●	●	●
Very Serious Property		●	●	●	●	●	●
Serious Personal		●	●	●	●	●	●
Very Serious Personal		●	●	●	●	●	●

54.2 percent of reported referrals meet this standard.

Repeat Offenders: (a) Victimless offenses are not appropriate; (b) All other youths are appropriate if they have one or more prior/concurrent offenses.

Chronic and Very Serious Offenders

Seriousness Category	Number of Prior/ Concurrent Offenses 0	1	2	3	4	5	6+
Victimless							
Minor Offenses							●
Minor Property							●
Minor Personal							●
Moderate Property				●	●	●	●
Serious Property			●	●	●	●	●
Very Serious Property		●	●	●	●	●	●
Serious Personal		●	●	●	●	●	●
Very Serious Personal		●	●	●	●	●	●

30.5 percent of reported referrals meet this standard.

Chronic and Very Serious Offenders: (a) Victimless offenses are not appropriate; (b) The following combinations qualify for referral: minor offenses plus six or more prior/concurrent offenses; serious property plus two or more prior/concurrent offenses; very serious property, serious personal, and very serious personal plus one or more prior/concurrent offenses.

Seriousness of Referral Offense

Victimless: Includes traffic accidents or tickets, status offenses, drugs, alcohol, gambling, prostitution, and probation violations.

Minor Offenses: Minor offenses not easily classified as property or personal, such as disorderly conduct.

Minor Property: Any property offense with loss/damage of $10 or less except burglary and arson.

Minor Personal: Resisting or obstructing an officer, coercion, hazing, other similar UCR Part II offenses.

Moderate Property: Burglaries and arsons with loss/damage of $10 or less and any other type of property offense with loss/damage of $11 to $250.

Serious Property: Burglaries and arsons with loss/damage of $11 to $250 and any other property offense with loss/damage greater than $250.

Very Serious Property: Burglaries and arsons with loss/damage of $250 or more.

Serious Personal: Unarmed robberies and nonaggravated assaults with loss of $250 or less.

Very Serious Personal: Unarmed robberies and nonaggravated assaults with losses exceeding $250 and all UCR Part I personal crimes, including rape, armed robbery, and aggravated assault.

[1]In each diagram, the dots indicate referrals that would be appropriate. Blank areas represent combinations of seriousness of referral offenses and prior/concurrent offenses that would not be appropriate under the criteria specified by the particular standard.

Developed by the Institute of Policy Analysis. These standards are not being proposed for adoption or for official use. From the 2-Year Report on the National Evaluation of the Juvenile Restitution Initiative.

Schneider, et al. (1982) submit baseline data that can be used to estimate the costs of juvenile restitution programs in the OJJDP initiative. While this study does not take account of program benefits and thus provides purely fiscal estimates, it is also possible, given the victim reparation aspect of restitution programs, to consider the added benefit of dollars paid to victims (or hours worked in the case of community service) in summarizing program costs.

The researchers found wide variation in expenditures across the 35 projects that provided cost data, ranging from a low of $24,963 to more than $2 million for the 2-year duration of funding. While these differences were partially accounted for by number of referrals and length of time clients remained in the program, variation in project components apparently accounted for a great deal of the difference in expenditures, which ranged from less than $250 per youth to more than $2,500. Overall, the greatest number of projects fell in the $750-to-$1,000 category; 71 percent had referral costs of less than $1,250 (Schneider, 1983:132). The average cost per case, which included both startup and operational costs, was $820 over the 2-year period. This cost varied from one project to another, depending on the length of time youths remained under program supervision. A more time-bound measure of program expenditure, which controlled for differences in the length of time youths spent in programs, showed that on the average projects spent $160 per youth per month.

A fair assessment of the costs of restitution programs must also take account of the amount of restitution paid back to victims. The payment of over $2 million in restitution was found to represent a 6:1 ratio of expenditures to payments (Schneider, 1982:134); for every $6 spent by programs, $1 (or its equivalent) was returned to victims. Program expenditures resulted in an average payment of $130 per victim in real and equivalent dollars. Although the 6:1 ratio might be considered unacceptable in a victim compensation effort, for juvenile restitution programs, with their many other goals and functions, these payments represent a favorable return on investment. This return must ultimately be factored into any cost equation as a benefit offsetting program expenditures.

While comparable data on more traditional dispositions to which restitution was to be an alternative are not readily available, it is not unreasonable to argue for the cost-effectiveness of restitution over other sanctions. When the added benefit of victim reparation and in-kind service to the community are considered, restitution should prove to be at least no more costly than traditional probation. In addition, even the most extravagant estimates of restitution's cost should reveal a substantial savings over virtually any sanction involving incarceration.

Bibliographic Note

A number of the publications mentioned in this section can be obtained on loan or in microfiche from the collection of the National Criminal Justice Reference Service (see *Bibliography* at the end of this section). For further information on the other studies mentioned, contact the Pacific Institute for Research and Evaluation, 1777 North California Boulevard, Walnut Creek, CA 94596. Telephone 415–939–6666.

Legal Issues in the Operation of Juvenile Restitution Programs

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Introduction

Legal issues set the range within which decisions about the organization and operation of a restitution program must be made. It is important for those involved with the design and operation of restitution programs to know where the legal boundaries are, so that decisions about program operation fall within acceptable limits.

This section of the *Guide* identifies and discusses several of the most relevant legal issues pertaining to the use of restitution in juvenile courts.

Statutory Authority for Restitution Programs

Specific authority for restitution programs—More than 30 States have legislation that gives juvenile courts specific authority to order restitution as a condition of probation or as a direct sanction.

Inherent authority—Typically, juvenile court statutes that do not specifically authorize restitution provide that a court may place a youth on probation "upon terms the court deems appropriate." This language or language similar to it has been interpreted as a grant of general probationary authority under which a judge may order restitution. However, such a statute has been interpreted not to grant a court authority to incarcerate a youth and then require restitution after release.

Federal Youth Corrections Act—The Federal Youth Corrections Act specifically provides for restitution.

Mandatory restitution—Several States have adopted statutes that require a juvenile court judge to order restitution in any case in which there has been a monetary loss.

Due Process

Fourteenth amendment—The fourteenth amendment requires that no person shall be deprived of life, liberty, or property without due process of law. Monetary restitution is clearly a deprivation of property; community service is clearly a deprivation of liberty. Therefore, when restitution is ordered, the basic requirements of due process must be complied with.

What does due process require? Not all situations call for the same procedural safeguards. Generally, a court must balance a youth's interest in the scope and amount of a restitution order with the state's interest in maintaining a disposition procedure that is not unduly cumbersome.

Diversion/preadjudication—When a program accepts youths on a diversion or preadjudication basis, the following procedures should be followed:

- A probable cause determination should be made that an offense has been committed, and that the offender has committed it. It is best if this can be done by the prosecuting attorney.
- A voluntary, informed decision should be made by the youth to participate in the restitution program and to waive the right to a formal adjudicatory hearing.
- After a probable cause determination has been made, both the youth and the parent/guardian should sign a waiver form indicating that the youth's participation in the restitution program is voluntary, and that the youth understands the rights that are being given up by voluntary participation.

Postadjudication—The following procedures should be followed in all cases in which the court will order restitution:

- The youth should be informed that there is a right to counsel; if the youth is unable to afford counsel, one will be appointed at no cost to him or her.
- Established eligibility criteria should be developed concerning the type of offenses and the type and amount of damages for which restitution will be ordered.
- The youth, the parent/guardian, and the attorney for the youth should be provided with notice of the amount of restitution claimed by the victim, including documentation for all such claimed damages.
- The youth and the attorney should be provided with an opportunity to be heard in person and to present witnesses and evidence if there are objections to the damages claimed by the victim.
- The youth and the attorney should be provided with an opportunity to cross-examine the victim if there is an objection to the claimed loss.
- The final decision on restitution, including the amount, time to repay, whether it is apportioned between multiple offenders, etc., should be made by a judge or a referee, and not by the probation staff.

- The procedures used should ensure a process that is fundamentally fair to all participants.

Equal Protection

Selection criteria for inclusion in the restitution program may not be designed for or have the effect of unjustifiably or arbitrarily discriminating against any group of individuals.

Ability to Pay

- Before ordering monetary restitution, the court must determine that a youth has a present ability to pay, or is likely in the near future to obtain the ability to pay.
- A court may not revoke probation and incarcerate a youth for failure to pay monetary restitution unless it finds:

(1) that the youth's failure to pay was willful, i.e., that the youth has failed to make sufficient bona fide efforts to acquire the ability to pay monetary restitution, or

(2) that there are no alternatives to incarceration available that will satisfy the State's interest in holding the youth accountable. These alternatives may include reduction or modification of the restitution order, a requirement that the youth perform community service in lieu of monetary restitution, etc.

Involuntary Servitude

Thirteenth amendment—"Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

Diversion/preadjudication—The exception provided in the thirteenth amendment for involuntary servitude required as punishment for a crime does not apply in the diversion/preadjudication situation. Therefore, it is important that there be an effective waiver of rights and consent to participate in the restitution program signed by the youth and the parent/guardian.

Postadjudication—Restitution at this stage of the proceedings is not within the involuntary servitude prohibition of the Constitution, since it is after conviction. The argument has been made (never successfully) that the exception of the thirteenth amendment does not apply to juvenile proceedings because they are civil rather than criminal. To avoid challenges, the program should focus on holding youths accountable, rehabilitating youth, compensating victims, etc., rather than on obtaining a cheap source of labor.

Scope and Amount of Restitution Order

Type of Offenses

Generally, restitution may be ordered for all offenses for which a youth has been adjudicated. In most States, a judge may order a youth to pay restitution for all offenses for which he or she has been convicted, as well as for offenses that have been dismissed as a result of plea bargaining, but for which the youth has admitted responsibility. Often a prosecutor will not make, and a judge will not accept, a recommendation to dismiss some charges in exchange for a youth admitting others, without an agreement by the youth that restitution may be ordered on all offenses, both those that the youth has formally admitted as part of the guilty plea, and those that have been dismissed as part of the plea bargain, but for which the youth has admitted responsibility. In the latter situation, most States allow the court to order restitution for all of the monetary damage caused by the youth, even though some of the charges have technically been dismissed.

Eligible Victims

State statutes have not been precise in defining who is eligible to receive restitution payments. This lack of precision has caused considerable confusion. Typically, statutes will provide that "aggrieved parties" are eligible to receive restitution without defining who such parties are.

Insurance Companies—Where there has been no statutory definition of whether insurance companies are eligible to receive restitution payments, appellate courts interpreting similar State statutes have reached different results. Some courts have narrowly defined "aggrieved parties" to include only the direct victim, and have held that offenders may not be ordered to pay restitution to insurance companies, since the company is only an indirect victim.

Other courts have held that insurance companies are eligible to receive restitution, since, when the company is required to pay losses due to the offender's criminal activity under the laws of subrogation, the insurance company is considered to stand in the place of the victim and is considered to have suffered the same loss.

Other third-party victims—The list of third-party victims requesting restitution is a long one, including hospitals, State police agencies, worker's compensation departments, and so on. Generally, these third-party victims will or will not be eligible to receive monetary restitution depending on whether the court narrowly or broadly construes the term "aggrieved party."

Symbolic monetary restitution—Appellate courts have generally rejected restitution orders requiring offenders to pay monetary restitution to a charitable organization that has a worthy purpose but no connection with the offender's criminal activity.

Amount of Restitution Award

Lower courts are given wide latitude in assessing the amount of restitution that an offender is required to pay. Of the few cases that are appealed, the amount of restitution ordered is, in most instances, not reversed. Juveniles have been ordered to pay restitution of as much as $30,000. Several courts have required youths to pay $25.00 per week for the entire period of probation, often as long as 4 years.

However, an order of restitution has been held to be not within the ability of the youth to perform, where the offender was a 17-year-old high school student and there was evidence to show that the unemployment rate for similarly situated youth in the locality was 31.5 percent.

Type of Losses

Generally, restitution will be allowed only for "easily measurable financial loss", not for pain, suffering, and other "general damages" routinely allowed as damages in civil lawsuits.

Also, courts will reduce the restitution order to reflect any recovery a victim has obtained against the youth in a civil court.

Apportionment of Restitution Among Multiple Offenders

Most States hold that, where there are multiple offenders, each youth may be held jointly and severally liable for the entire loss that the criminal activity has caused. In these jurisdictions, the court or restitution program is responsible for developing a collection procedure to ensure that the victim only recovers once for the loss.

Some States have held, however, that the juvenile court is required to apportion the entire loss between multiple offenders based upon their relative culpability.

Parental Liability

Almost every State has a statute that makes parents liable in a civil proceeding for specified dollar amounts for certain intentional torts committed by their children. Under these statutes, a victim is required to bring a separate civil action against the parent to obtain a judgment.

Several States have adopted statutes that allow juvenile courts, as part of the proceeding against the youthful offender, to require parents to pay restitution. Before a juvenile court may enter a restitution order against a parent, the court must provide the parent with the same procedural safeguards and make the same determinations regarding ability to pay as for a restitution order against a youth.

Parental Role in Offender's Restitution Order

Courts and restitution programs often will need to decide, regardless of whether a parent is held liable for the youth's acts, whether a parent will be permitted to pay the restitution order, or whether this should remain the sole responsibility of the offender.

Program Liability

Injuries to offenders—Generally, if a youth is injured on a work or community service placement, he or she will not have a claim for compensation against the court or restitution program, unless the court or program somehow has been negligent. The youth in this situation has been held not to be an employee of the court or restitution program for the purpose of receiving compensation under State worker's compensation statutes.

Injuries committed by offenders against third persons—Although there are very few reported cases, it appears that restitution programs and courts will not, in the absence of negligence, be held liable if a youth assigned to restitution/community service injures a third person.

Insurance protection—Although it is unlikely that a program will be held liable for injuries to a youth, or for injuries suffered by third persons as a result of the youth's conduct, the safer and more prudent course is to have liability insurance to protect against such loss. If nothing else, the insurance will provide for the legal costs involved in defending against a claim.

Waiver of right to bring a claim—Although there is some question about the validity of a waiver of the right to bring a claim, a program or court should nevertheless consider obtaining a signed waiver of the right to sue the court or the program. It should be signed by the youth and the parent/guardian as a condition of participation.

Many courts have imposed an assessment on youth assigned to restitution/community service programs to be used to offset the cost of providing insurance for such offenders.

Appendix: Relevant Case Law

Statutory Authority for Restitution Programs

Federal Youth Corrections Act, 18 USC 3651
Durst v. *U.S.*, 434 U.S. 542 (1978)

Constitutional Issues

Due Process

In Re D.G.W., 361 A.2d 513 (N.J. 1976)
Morrisey v. *Brewer*, 408 U.S. 471 (1972)
State v. *Lack*, 650 P.2d 22 (1982)
People v. *Tidwell*, 338 N.E.2d 113 (Ill. 1975)
People v. *Williams*, 225 N.W.2d 798 (Mich. 1975)
Fuentes v. *Shevin*, 407 U.S. 67 (1971)
Townsend v. *Burke*, 334 U.S. 736 (1948)
Cada v. *State*, 382 So.2d 405 (Fla. 1980)
Morgan v. *Wofford*, 472 F.2d 822 (5th Cir. 1973)

Equal Protection

Tate v. *Short*, 401 U.S. 395 (1971)
Williams v. *Illinois*, 399 U.S. 235 (1970)
Griffin v. *Illinois*, 351 U.S. 12 (1956)
Bearden v. *Georgia*, ___U.S. ___, 103 S.Ct. 2064, 76 L.Ed. 221 (5-24-83)
State v. *Chatham*, 624 P.2d 1180 (Wash. 1981)
State v. *Benoit*, 313 A.2d 387 (Vt. 1973)
State v. *Martin*, 670 P.2d 1082 (Wash. 1983)
State v. *Godfrey*, 313 A.2d 390 (Vt. 1973)
Murphy v. *State*, 442 So.2d 1047 (Fla. 1983)
State v. *M.D.J.*, 289 S.E.2d 191 (W.Va. 1982)

Scope and Amount of Restitution Order

State v. *Zimmerman*, 586 P.2d 373 (Or. 1978)
State v. *Armstrong*, 605 P.2d 736 (Or. 1980)
State v. *Boswell*, 628 P.2d 763 (Or. 1981)
State v. *Barnett*, 675 P.2d 626 (Wash. 1984)
U.S. v. *Missouri Valley Constr. Co.*, 741 F.2d 1542 (8th Cir. 1984)
State v. *Mack*, 675 P.2d 1250 (Wash. 1984)
People v. *Wager*, 342 N.W.2d 619 (Mich. 1983)
People v. *Allen*, 456 N.E.2d 336 (Ill. 1983)
Matter of Phillips, 311 S.E.2d 365 (N.C. 1984)
People v. *Catron*, 678 P.2d 1 (Col. 1983)
Robinson v. *State*, 315 S.E.2d 277 (Ga. 1984)
State v. *Wilson*, 264 S.E.2d 414 (Ky. 1980)
Commonwealth v. *Walton*, 397 A.2d 1179 (Pa. 1979)
State v. *Mottola*, 84 N.M. 414, 504 P.2d 22 (1972)
State v. *Morgan*, 504 P.2d 1195 (Wash. 1973)
State v. *Sampson*, 203 Neb. 786, 280 N.W.2d 81 (1979)
State v. *Behrens*, 204 Neb. 785, 285 N.W.2d 513 (1979)
People v. *Pettit*, 88 Mich.App. 203, 276 N.W.2d 878 (1979)
Polk v. *Commonwealth*, 622 S.W.2d 223 (Ky. 1981)
State v. *Deloge*, 639 P.2d 1293 (Or. 1982)
Wooley v. *State*, 629 S.W.2d 867 (Tex. 1982)
Woods v. *State*, 418 So.2d 401 (Fl. 1982)
State v. *Smith*, 658 P.2d 1250 (Wash. 1983)
State v. *Getsinger*, 27 Or.App. 339, 556 P.2d 147 (1976)
People v. *Grago*, 24 N.Y.Misc.2d 739, 204 N.Y.S.2d 774 (1960)
People v. *Dougherty*, 432 N.E.2d 391 (Ill. 1982)
State v. *Thorstad*, 261 N.W.2d 899 (N.D. 1979)
Flores v. *State*, 513 S.W.2d 66 (Tex. 1974)
State v. *Dillon*, 292 Or. 172, 637 P.2d 602 (1981)

Parental Liability

In Re Dan D., 470 A.2d 1318 (Md. 1984)
A v. *B.*, 468 N.Y.S.2d 292 (1983)

Program Liability

Scott v. *City of Halls*, 366 P.2d 854 (N.M. 1961)
61 Cal. A.G. Opinion, 265, 268 (1978)
Roberson v. *Allied Foundry & Machinery*, 447 So.2d 720 (Ala. 1984)
Martinez v. *California*, 444 U.S. 277, 100 S.Ct. 553, 62 L.Ed.2d 481 (1981)
Fox v. *Curtis*, 712 F.2d 84 (1983)
Bowers v. *Devito*, 686 F.2d 616 (1982)
Monell v. *New York City Dept. of Social Services*, 436 U.S. 658 (1958)
Owen v. *City of Independence*, 445 U.S. 622, 100 S.Ct. 1398, 63 L.Ed.2d 673 (1980)
Spaulding v. *Nielsen*, 599 F.2d 728 (1979)

Employment Components and Job Assistance

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Introduction

This section focuses on those components of restitution programs developed to provide employment or job assistance to defendants with monetary restitution orders. Because it is possible to design restitution programs that simply collect monetary payments and forward money to victims (or provide other victim services), the emphasis here is on additional resources necessary to integrate a job assistance component into the basic restitution process.

This section also considers several issues that program managers need to confront in the course of implementing job assistance as an ongoing part of their programs.

The particular issues that will arise and the resources required will be determined largely by the type of employment model adopted. While there are a number of possible approaches, at the risk of oversimplification three basic models may be distinguished. These will be referred to as:

- Private Sector Job Development.
- Public Sector Subsidized Employment.
- Job Training.

In programs that adopt the private sector model, staff arrange for commitments with private sector employers to reserve jobs for offenders with restitution orders or to give preference to these youths in filling certain positions. These arrangements vary from formal, ongoing commitments structured around job slots held for each new restitution client to very tentative agreements that employers will give consideration to clients referred by the program when appropriate openings become available.

Not to be confused with unpaid community service restitution, the public sector subsidized employment model provides paid jobs in public sector agencies or on work crews organized and supervised by restitution program or probation unit staff. The program sometimes provides a subsidy to cover some or all of the client's stipend; the remainder may be picked up by the agency through funds provided through the Job Training Partnership Act or similar Federal and State jobs programs.

Unlike the other job assistance models, programs that adopt the job training approach do not provide for job placement or contract with employers for job slots. Rather, the focus of these programs is to provide job search and employment skills training to help restitution clients compete in the job market.

The three models should be viewed as ideal types. In reality, there is often a great deal of overlap between models, so that it is not uncommon to find programs involved in private sector job development as well as publicly subsidized employment; programs with more resources may provide some job counseling in addition to job development or placement. Most programs will, however, after a period of experimentation, find themselves emphasizing one service or another (with perhaps a secondary use of another model) in response to local constraints and opportunities. Thus, a choice of one model or another prior to implementation is well advised early in the planning process.

The advantages and disadvantages of each of the various models may appear self-evident to some; those who have been successful with a given model will often express highly partisan views. Most of the evidence, however, suggests that each model is about equally successful in terms of client impact. The choice of a program model should therefore be dictated by program goals as well as by local conditions. Most experienced program managers, no matter how partisan, will insist that flexibility is the key in developing a job assistance component best suited to the local job market, the nature of the referral populations, and the characteristics of the juvenile justice system in a particular jurisdiction. Given the almost unlimited range of local opoortunities and constraints, entirely new models may evolve as restitution job assistance is adopted in new jurisdictions.

Program goals should play a major role. One successful program director, for example, emphasized that her program's commitment to offender "accountability and initiative" made the job training model more consistent with their philosophy than an approach that tried to guarantee jobs for offenders. While local conditions ultimately influenced that program's transition from a job development approach to the job training model, careful consideration of the implications of "marketing the kids rather than the program" helped to focus the program's activities around job training rather than placement.

Advocates of the job development and public sector subsidized model, on the other hand, argue that delinquent youth often will not be able to find jobs without an advocate and a group of employers committed to filling certain positions with restitution referrals. Program philosophy, as well as practical considerations, has guided managers who have chosen these models, based on the assumption that it is unfair to ask youths to repay victims without taking responsibility for providing them with at least a good chance at a job. In many locales, this means maintaining job slots or agreements with employers for first consideration in hiring.

The choice of the public sector subsidized model over the job development (private sector) approach is often dictated by a lack of appropriate jobs for youths in a jurisdiction's local businesses. Personal philosophy also plays a part in this decision, however. One program manager who has recently begun work with a subsidized jobs component insisted that public service jobs, particularly those that provide an opportunity to play a helping role (e.g., day care centers, care of the elderly), provide benefits to offenders over and above any benefits from repaying victims. Some managers also argue that public sector placements offer greater flexibility and can accommodate a wider range of referrals under less rigid employment restrictions than placements in the private sector. Alternatively, advocates of private sector development and placement often argue that jobs in the business world provide a more realistic job experience and encourage accountability.

Employment Models and Program Resources

Each model of job assistance requires an investment of program resources—primarily staff time—beyond those needed in programs that do not have job assistance components. These resources will vary within program models, depending on such factors as caseload, the relationship of the program to the juvenile court, and the proportion of services assumed by probation or other departments in the juvenile justice system. It is therefore impossible to present absolute guidelines for the fiscal or personnel resources needed to operate any of the three job assistance components. Program managers experienced with each approach tend to agree, however, on a few general principles about resources.

Resources for Private Sector Job Development

In the job development model, the fundamental task of selling the program to local businesses through education and frequent followup requires almost constant employer contact. Since the success of this kind of job assistance also requires a ready supply of appropriate jobs for restitution clients, these liaison tasks cannot be left to chance. Although managers of programs with job development components differ somewhat in their estimates of the proportion of staff time that must be devoted to liaison, a 50-50 allocation of time between job development and other restitution tasks is not an uncommon breakdown.

Especially in the early stages of the program, managing employer relations is likely to require a full-time job developer knowledgeable about the local job market and effective in communicating with employers. The job developer would also assist the program manager with employer-focused public relations and educational materials, and would be responsible for developing a job bank or similar pool of positions and employers for restitution referrals. Eventually, the job developer's responsibilities would also include routine followup with employers regarding overall client performance, problems with referrals, and commendation and awards ceremonies for supportive businesses.

While most of those experienced with the job development model agree that these tasks require the equivalent of a full-time staff person, some managers point out that as a program evolves, it may be desirable to have caseworkers share job development and liaison responsibilities. Many managers report that after the first few months of successful operation much of the difficult initial educational and employer support work has been done; often, an ongoing pool of job slots has been made available. At this point, caseworkers might begin to assume some of the employer contacts to get a better feel for the challenges clients face in particular job sites. Likewise, a staff person doing nothing but job development and employer liaison will not necessarily develop a good sense of other client needs.

Generally, programs that adopt the job development model will not require additional nonpersonnel resources. Subsidies, for example, are relatively rare and tend to be discouraged for private sector employees. While some programs taking the job development approach assist in providing transportation to clients, this added service is not generally considered necessary.

Resources for Public Sector Subsidized Employment

As in the job development model, all the ingredients of employer education and liaison are fundamental to the successful operation of programs that adopt the public sector subsidized approach. Thus, although the strategy required to sell a program may differ in the public sector, approximately the same staffing requirements and allocation of project time should be anticipated by managers who choose this model. Frequent contact, followup, and praise or sympathy for employers will be necessary tasks. Still, the variety of organizational forms such programs assume will mean wide variation in staffing patterns.

The most common difference in program resources between the two models is in the need for subsidies. Job program funds (such as those provided under the Job Training Partnership Act) will occasionally be available to agencies to support employment for restitution clients; some public sector organizations may be willing to hire youths with their own funds. Most often, however, the financially strapped public agency is likely to demand that the program subsidize some or all of a client's wages. When a program chooses to organize a work crew, or a group of restitutioners working together on a community project, they must also take responsibility for client supervision unless volunteers can be recruited for this task. Supervision time must also be factored in for programs that choose to make use of work crews. Finally, some reliable means of transporting crews back and forth between job sites is frequently a requirement of this type of operation.

Resources for Job Training

In the job training model, a very different set of tasks require a different allocation, if not a difference in quantity, of program resources. Because such programs do not take responsibility for job placement, no staff time need be devoted to convincing employers to reserve jobs for restitution clients. The program's commitment to providing clients with

job search and interviewing skills, however, requires some investment of staff time in these training tasks.

In the judgment of one former manager of a program that went through a period of experience with both this model and the job development approach, training does not take as much time as job development. Her estimate is that one full-time staff person could assume responsibility for training functions as well as perform other restitution tasks.

This is not to suggest that the training function should be trivialized, however, or that programs may skimp on resources. Managers experienced in job training strongly advise against simply adding training responsibilities to other tasks assigned to probation officers. Some investment in specialized training for program staff will generally be needed. Programs often choose to send staff to special regional job skills seminars or hire training experts to instruct staff onsite (a variation would be to simply contract with professional trainers to provide this service). Once staff have been initially instructed, the apprenticeship method is often adequate to orient new staff to training responsibilities; skills can be updated through periodic seminars and regular evaluation.

An additional resource that has been found quite useful in both staff orientation to jobs skills assistance and in the actual training of clients is videotape equipment. Such equipment may be used to help trainers and clients assess how they come across in the training or in interview situations, and eventually facilitate the orientation of new trainers.

Just as program managers adopting the job training model take on different tasks and require a different allocation of resources than those who implement other approaches, they will be confronted with a unique set of programmatic issues. While managers who choose the job development or public sector subsidized approaches to job assistance will primarily be faced with problems surrounding job creation, placement, and referral, the job training approach will focus staff attention on how to prepare restitution clients to find jobs on their own.

Issues in Selecting the Job Training Approach

In the job training model, program managers place strong emphasis on offender accountability as an alternative to what one advocate referred to as the "hand-holding approach" to employment assistance. Choosing to "market kids" rather than "market the program", advocates of the job training approach argue that programs that try to develop jobs for restitution clients or negotiate job placements for youths tend to attract only a certain kind of employer: those accustomed to employing the disadvantaged or more marginal segments of the population. These managers also argue that there is a stigma associated with restitution or other court placements; employers (as well as other employees) know the client is on probation, and relate to him or her accordingly. Further, the client is more likely to view the job as "just another punishment" required by the court and may be less able, according to job training proponents, to benefit from the employment experience.

Youths who are trained to "market themselves" and seek employment on their own, on the other hand, are said to take more pride in their jobs as well as in themselves. According to job training advocates, these clients often find jobs that prove to be more rewarding than those located by the program.

Adopting the job training model of employment assistance does involve making assumptions that would be untenable in some jurisdictions, however. When program managers define the problem of employing restitution clients as one of simply providing youths with the right skills and a systematic approach to the job search, they assume that jobs appropriate for youths are available locally and that most restitution clients can gain access to these positions. To minimize risk, some managers who use job training as their primary approach also adopt fallback strategies.

In one of the better known job training programs, clients are required to document their job search efforts or face being brought back to court for noncompliance. Once the client has looked unsuccessfully for a job for 4 to 5 weeks and documented the search, the program intervenes and offers additional assistance. Program staff might go as far as driving the youth around the community providing additional leads and suggestions. Failing this, the client's monetary order is converted to hours and completed in the program's community service component. In this way, program staff argue that clients are ultimately not hurt by economic forces beyond their control.

Advocates of job creation and placement approaches would argue, however, that in some, perhaps most, jurisdictions a more proactive effort by program staff to intervene with local employers will be required. For this reason, although job training is often used as a supplement to job placement approaches (an increasingly necessary addition to these programs, given employers' concern that referrals be better trained), programs adopting this model as their sole approach to job assistance are relatively rare.

In addition to the philosophical rationale for the job training model, practical conditions may play a role in the decision to focus on this method of employment assistance. Not the least of these considerations is the lower cost of training, as compared with job development or public sector subsidized employment. More effective training programs will, of course, require a greater investment of time and money than an effort that simply adds training responsibilities to the tasks of probation.

Funding for training activities can be obtained from a variety of sources. There are generally Federal and State programs with training monies available. Some programs have sought business and foundation support, as well as backing by such groups as the Private Industry Council.

Without getting into the variety of ways programs actually carry out the training function, it should be sufficient to emphasize that training is of little value unless it is geared to the local job market. Trainers should have intimate familiarity with the requirements of employers with appropriate jobs and should focus skill preparation as well as job search techniques on these needs. In addition, managers also advise that trainers be very aware of clients' limitations and strengths.

Perhaps the greatest advantage of the job training model from a management perspective is its relative immunity from many of the concerns and responsibilities assumed by programs that take on job development and placement tasks. Program staff do not need to be directly concerned about liability or insurance issues, subsidies, supervision of clients, or relations with employers. Thus, there should be more resources to devote to working directly with clients and victims.

Issues in Private and Public Sector Models

Program managers who adopt the job development or public sector subsidized models of job assistance will be faced with a number of issues related to job creation, job placement, and employer relations. These issues have implications for most phases of the restitution process, including intake, placement, case management, paying back victims, and case closure.

Eligibility

The eligibility decision involves screening, at the point of intake, clients inappropriate for restitution. While programs that do not offer job assistance can accept questionable referrals with minimal risk, program managers who do job placement and referral may jeopardize relations with employers as well as the credibility of the program. Placing clients with serious emotional problems or other handicaps in jobs where they may become a major liability for an employer deserves the most careful consideration.

Given this concern, it is interesting to note that most managers do not view job placement and referral as imposing any significant limitations on the kinds of youths they accept into their programs. Many have developed creative alternatives for placing youths who would be considered high risks for failure in most job situations. Although age, emotional disturbance, prior record, and other factors are considerations in the eligibility decision, most managers seem able to provide job assistance to even the most difficult clients.

Where age is a problem, some programs maintain community service components to which they can refer restitutioners—including very young clients—who present problems in a normal work setting. One manager reports, however, that often the problem is not that a youth is legally underage, but that employers are not informed about or misunderstand child labor laws. This manager found that reassuring employers that they were not legally vulnerable in hiring young referrals was generally all that was required. In special cases, subsidizing part of a youth's salary lessened employers' concerns about other risks in hiring young offenders. Child labor laws do of course impose limitations on employing very young children outside the home and limit the amount of time 14- to 16-year-olds can work. Because full-time work is almost never a requirement to pay off a restitution order, however, time limitations are rarely a problem.

Community service components have also been used as an option for offenders considered emotionally disturbed or dangerous, or who are viewed as presenting an unusual risk in more traditional job slots (e.g., chronic shoplifters). Alternatively, many programs manage to allow these more difficult placements to earn restitution through the option of work crews.

In some jurisdictions dangerousness is not an issue, because violent offenders will automatically be incarcerated. Many managers note, however, that it is rare to find an offender too violent or disturbed for placement in some job environment; the solution to placing difficult clients lies in using both creativity and common sense. Careful persuasion will also be required to convince employers that even offenders with violent histories often make reliable workers. According to the manager of the highly successful "Earn-It" program, the most important thing to remember in placing offenders is to be honest with employers; he adds that such honesty—in addition to simply having a surplus of job sites—is the best guarantee that offenders from a variety of backgrounds can be placed.

Having more than one type of placement—for example, public sector or work crew slots in addition to private sector positions—is another option for difficult clients. One program manager has been able to use public sector slots to give youths who fail in private sector jobs a second chance; he notes that having both options has enabled his program to serve an "incredibly diverse population."

Generally, the addition of an employment component, focused on job referral and placement, should not force programs to limit their eligibility criteria. However, where the variety of job slots available is more limited (to private sector positions only, for example), managers sometimes find themselves wondering whether to jeopardize future placements and good employer relations by placing "difficult" youths.

Although many programs are part of the court system and cannot refuse referrals, some managers will accept referrals contingent upon the client receiving special services, such as therapy or drug rehabilitation. One manager of a nonprofit program that tries to take all juvenile court referrals notes that he refers clients back to social services (the equivalent of probation) when it is clear that drastic action is required to correct a severe emotional problem or unstable

home situation. While he seldom refuses a client, this manager will sometimes ask that the problem that he feels will increase the risk of employment failure be attended to before placement in the job site.

Most managers agree that, while a history of violent offenses does not necessarily preclude an offender from employment, a certain level of stability and reality orientation is necessary for reasonable job performance. Delaying work placement, at least until the more chronic problems are resolved, is a solution that the referral agency, victims, and other concerned parties understand.

The Job Market: Working With Employers

In both public and private sector job placement models, program managers agree that maintaining good relations with local employers is the most important factor in the success of a job assistance component. Potential employers, whether owners of local businesses or managers of public agencies, must be persuaded and reassured of the legitimacy and usefulness of a restitution program and the value of their role. They must be, as one program manager puts it, "pampered" on a regular basis as part of a followup routine.

While convincing employers to hire young offenders is a difficult task, the obstacles are not insurmountable. For one thing, as some experienced managers point out, a program often does not need as many job slots or employers committed to hire referrals as may first seem necessary. They argue that youths, confronted with a temporary program job not of their own choosing (or with the prospect of delay in waiting for an opening or having an employer know that they are delinquent) become motivated to find their own jobs. This frees up other slots for youths who really cannot find employment on their own.

Particularly in the private sector, businesses (that may have been crime victims themselves) empathize with others who have been victimized and want to see offenders pay for their crime through honest work. An effective selling technique is to present the program as a response to "their crime problem", and attempt to enlist them as partners in a cooperative effort.

Businesses can also be convinced of other benefits of involvement in what usually becomes a highly visible and popular community program. There are obvious public relations advantages, for example, which can be used by a program's business liaison staffer to generate favorable press for an employer. In addition, most businesses will quickly recognize the advantages of a supply of cheap and often relatively motivated labor. Program managers can enhance their selling points by researching employers' personnel needs and attempting to match clients as closely as possible to these requirements.

Although employers often come to empathize with young restitution employees and frequently come to their defense even in the event of job difficulties, they are initially more responsive when the program is presented as emphasizing accountability or "putting offenders to work" rather than as charity or rehabilitation. Recognizing this, some program managers highlight their "get tough" approach even in the names they choose; for example, as Andrew Klein points out in his description of the Quincy, Massachusetts, restitution program, the name "Earn-It" has a more hard-nosed ring than a program called "A Second Chance."

The reluctance to hire delinquents, particularly in jurisdictions with little history of job programs for offenders, is the most common obstacle faced by staff seeking to develop a job development or public sector subsidized component. Program managers add that employers must often be convinced that restitution referrals will not be competing for scarce jobs with "good kids."

There is probably no sure method of overcoming employer fears about the perceived risks of hiring delinquents until a precedent of good work performance has been established. Being able to refer a potential employer to other employers who have had positive experiences with restitution is probably the best method of providing reassurance and gaining support. Where new programs are involved, a program manager may be able to point to the success of his or her program model in other locales around the Nation.

Good public relations are, of course, especially important in the initial stages of implementing a job component, but the program's image and credibility with local employers is crucial throughout. Local sponsorship through organizations such as the Chamber of Commerce, or the analogous organizations that represent public service, may help break the ice and establish initial credibility.

Routine followups with employers are necessary to resolve both general problems and difficulties with specific referrals. Program managers must be willing to listen to employer complaints and suggestions—to let them know the program "has their attention" and that they are truly part of a cooperative effort. Routine commendation, both public and private, for support and commitment to hiring referrals is important. Employers will be reassured by understanding that they have the right to refuse any referral and can fire employees who do not perform adequately (in reality, most employers are reluctant to terminate program referrals and will often give clients more chances than program staff want to allow).

With regard to termination, most managers report that the most common reason for firing a restitution client is simple failure to show up. Contrary to what some might think, most restitution clients are capable of performing required job tasks, and even chronic and violent offenders have fulfilled job responsibilities to the satisfaction of employers.

Program managers often report in fact that the kind of "acting out" and manipulative behavior offenders often attempt with probation officers and other official authority figures is rarely tried with employers.

Choosing Between Public and Private Models

Generally, the local job market will be the key factor in the decision to focus primarily on a public rather than a private sector (or job development) model of employment assistance. However, a variety of practical and philosophical considerations also bear on this decision. These considerations affect the nature of the employment experience for clients as well as the manner in which the job assistance component is managed and promoted.

For a number of reasons, many program managers seem to have a philosophical preference for private sector job development. In some jurisdictions, however, even the strongest commitment to this model cannot overcome economic realities. In Toledo, Ohio, for example, the staff of the Lucas County juvenile restitution program were confronted with a very high rate of unemployment in a heavily unionized area. Most local industry in Lucas County takes the form of large factories and chain stores that are not locally owned and have few jobs appropriate for young persons. Faced with massive transportation problems and competition with unions and school-based employment programs for the few jobs available, Lucas County staff quickly decided that the private sector model would not be feasible and began to negotiate with social service agencies for subsidized placements. Although the program had little success in persuading businesses to hire restitution clients, program staff were pleased to find that employers were willing to donate funds to subsidize employment in public agencies.

While private sector job development is still the dominant mode of job assistance, other jurisdictions with high unemployment rates and other obstacles to employment in the private sector have found it necessary to turn to the public sector. Some managers argue that public sector slots can be used in addition to private sector placements to allow staff added flexibility in placing clients who are less employable in the private sector.

One manager of such a program initially tries to place all referrals in private sector jobs but finds that youths under 16 and "those few misfits" with chronic emotional or other problems generally must be placed in public sector slots. He argues that, in his jurisdiction at least, public sector slots are a necessity.

While advocates of private sector job development insist that private jobs provide a more realistic employment experience and are better for program public relations (because they do not generally require subsidies), program managers who have tried public sector placements also cite advantages to that approach. Some note, for example, that the job experience may be more beneficial in public service agencies. Such an experience may increase offenders' empathy and social skills, and may also provide a sense of self-worth through participation in an activity seen as having intrinsic value beyond earning money.

Program managers note that service agency workers are often very effective supervisors and make excellent role models for young offenders. One of the more interesting examples of how such relationships develop between restitution clients and public service employees is the case of the Toledo, Ohio, program, where clients are referred to the police department for job placement. The manager reports that police officers have been very effective in supervising restitution clients, and the youths have responded surprisingly well to dealing with officers as employers and human beings. These relationships also greatly improved the overall image police had of these young delinquents, as well as their attitude towards the program as a whole.

Although subsidies have been used to cover portions of restitution salaries in the private sector, such usage is generally not considered necessary. While some private sector programs have successfully used subsidies as an initial incentive to persuade reluctant businesses to hire program referrals, other believe that such use defeats the purpose of a private sector model. Most managers find that businesses seldom request such incentives, and one manager reports that most businesses believe investment in more rigorous job training and careful referral would be a "wiser use of program time and resources."

Managers considering adopting a public sector employment component, on the other hand, will almost always have to concern themselves with subsidy funds. Raising these monies may be an intimidating prospect. A number of managers have been successful in developing innovative methods of generating subsidy funds through foundations, county jobs programs, and local businesses that were unable to hire youths directly but were willing to support their employment through contributions.

Another consideration in choosing between public and private sector models is the type of client supervision that will be required. In private sector job components, supervision is almost always left to the local employer. Program staff stay in regular contact with employers as well as clients and may meet regularly with both. In the public sector approach, agency personnel will be responsible for supervising clients referred to their organization—although program staff may be asked to assist with supervision on certain large-scale projects.

The primary exception to the rule that the employer supervises seems to be in the case of work crews. Although some work crews may be supervised by regular public service workers, depending on the location and nature of the task, program staff will sometimes be asked to assist; in some cases, programs will develop their own work crews and take control of all supervision. Volunteers have also been used to supervise work crews, but one program manager warns that volunteers may quickly get bored when asked to supervise more mundane tasks. Overall, whatever the job task or employment model, the most desirable situation seems to be to have the employer supervise restitution clients. Unlike juvenile justice staff or even court volunteers, who are often seen only as authority figures, employers or other agency

workers are afforded respect by clients for what they have to offer in the way of training or future employment opportunities.

Closely related to concern with the quality of the job experience as well as the use of subsidies is the issue of whether job slots are to be seen as temporary, turning over to a new client once the former client has completed restitution, or as more or less permanent placements. In the public sector model, job slots are almost always used for temporary placements. Because the program is usually subsidizing some or all of a client's earnings, it is understood that scarce subsidy funds cannot be used to continue a youth in an agency position. In some cases, agencies have been able to pick up restitution clients with their own funds, however.

In the job development model there is more flexibility, and the treatment of job slots will depend more on the program's employment philosophy, the nature of the agreement with local employers, and the scarcity of jobs. Where the program's primary goal is to pay off many victims as efficiently as possible, with job slots only a means to this end and employers committed to regular turnover of young workers, a temporary scheme is appropriate. In other programs, however, staff may feel that when there is a chance for a youth to remain in a job even after completing restitution, there will be more commitment on his or her part, more commitment from employers, and perhaps an intrinsic benefit to the youth from the long-term work experience.

Being able to stay in a job would in some cases be an incentive to clients for good performance and prompt repayment to victims. Even programs with a temporary orientation will often make exceptions when an individual employer and client both want to continue the relationship. In programs where the job slot is viewed as temporary, clients are encouraged to use employers as references for future jobs; most employers are willing to do this without mention of the fact that the employee was a restitution referral.

In any monetary restitution program, staff will also be faced with the issue of how much, if any, earnings a client will be allowed to keep. Particularly in programs that provide subsidized public sector employment, scarce funds may prohibit allowing youths to keep any of their earnings or may allow only a minimal amount to cover expenses such as transportation and lunch money. In programs focusing on private sector job slots, positions may be scarce enough relative to caseload that efficiency prohibits youths from retaining any earnings. Program philosophy may also dictate that earnings only be used to pay back victims and cannot be justifiably used to compensate offenders.

Generally, however, program managers agree that allowing clients to retain some of their earnings is an incentive to good job performance and can be allowed without threatening a program's efficiency in repaying victims or providing jobs for new clients. Among those that allow youths to keep a portion of earnings, most agree that there is no clear-cut rule about what proportion is appropriate.

Most managers emphasize flexibility, with some arguing that it may be best to decide the split on a case-by-case basis (albeit with some general rules to guard against unfairness). In practice, the amount youths are allowed to keep tends to average around 20 or 30 percent of earnings in programs with job assistance components; those who leave the job search up to the youths may sometimes allow them to keep a higher percentage of earnings. Some program staff have argued, however, that when offenders are allowed to keep too large a proportion of earnings, there may be a disincentive to complete restitution quickly. This disincentive would seem to occur only in cases where youths really like their jobs—since clients are generally earning only a fraction of the minimum wage once restitution payments are deducted—and is probably only a concern in public sector job components, where limited subsidy funds do not permit youths to remain in jobs for long periods of time.

Most programs seem to go through stages of experimentation with the proportion of earnings offenders are allowed to keep. It is encouraging to note that most managers have not found that adjustments in these proportions (generally slightly downward) have had any substantial impact on job or program performance. At least one manager with experience in both public and private sector job components has been able to adjust proportions with certain clients as a motivational tool. When an older youth must be placed in a public sector job slot (generally reserved in this program for younger clients), in order to encourage the client to make an effort to find a private sector job, he is not allowed to keep any earnings.

Summary

There are almost endless arguments favoring one or another model of job assistance (or some particular combination of models). There are even more issues to be confronted once a decision has been made to pursue a strategy. While there are cautions to be learned from the experience of programs that have addressed these issues and experimented with different models of job assistance, how these issues are resolved will be most influenced by local conditions.

Program managers should not feel constrained by the three models presented here as ideal types. Rather, the models should be used to help managers think through their goals for job assistance and design the best methods for achieving these aims. Managers should also recognize that each model implies a specific allocation of program resources and is likely to present them with a unique set of management problems. Realizing these limitations, and having a clear formulation of program goals, program staff should feel free to innovate and adapt job assistance components to community constraints and the opportunities offered by local jurisdictions.

Federal Assistance for Juvenile Restitution Programming

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Introduction

Funds for program development, training, and technical assistance are available through the Office of Justice Programs, Bureau of Justice Assistance (BJA) Block Grant Program; RESTTA (Restitution Education, Specialized Training, and Technical Assistance); and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Formula Grant Program.

BJA Block Grant Program

The Justice Assistance Act of 1984 established a block grant program under which grants of at least $250,000 would be made available to States. The purpose of the block grant program is to provide monies to support specific programs that have a high probability of improving the functioning of the criminal justice system (with a special emphasis on violent and serious offenders). Juvenile restitution is one of the 19 program areas eligible for block grant funds.

The implementing regulations developed by the Bureau of Justice Assistance (BJA), the Federal agency administering the program, were published in the *Federal Register* on January 24, 1985. Interested parties should consult these regulations for the detailed requirements for application and administration of block grants. General requirements are: funds must be used for administrative purposes; funds may be used to pay up to 50 percent of the cost of the programs; and funding for specific projects may not exceed 4 years.

Applications must address the critical elements of proposed programs as well as develop and maintain data on specific program performance measures identified in the guidelines. The *Program Brief: Juvenile Restitution* contains a complete description of the program and the issues that must be addressed in the application. A copy of the Program Brief can be obtained from John Gregrich or Doug Brown, Bureau of Justice Assistance, 633 Indiana Avenue NW., Washington, DC 20531 (202–272–6001).

Guidelines for juvenile restitution programs, as published in the *Federal Register*, identify five critical elements that must be addressed by all programs seeking to obtain funds through the block grant program. They also suggest a set of performance indicators that a program must agree to collect and report.

The program promotes the use of restitution by juvenile offenders as a means of holding juveniles accountable to the victim and the community for their offenses; increasing community confidence in the juvenile justice system; providing a meaningful disposition for juveniles; and reducing recidivism.

No specific model is required, as the guidelines encourage the development of programs that meet each jurisdiction's particular needs.

A. Critical Elements

(1) Legal authority to order restitution as a disposition for delinquent offenses.

(2) Commitment of the court and juvenile justice personnel.

(3) Preprogram planning to establish written policies and procedures, including:
  (a) The stage of the system at which restitution will be initiated.
  (b) Specification of the target population.
  (c) Establishment of procedures for determining the appropriate restitution to be rendered by the juvenile offender and enforcing restitution orders.

(4) Program management and administration should describe:
  (a) Agency roles and responsibilities.
  (b) Case management and tracking system for performance indicators.

(5) Community involvement in the program.

B. Performance Indicators

(1) Personnel:
  (a) Number employed full- and part-time in restitution.
  (b) Average restitution caseload per restitution/probation officer.

(2) Program participation:
  (a) Number of juveniles by offense type.
  (b) Type and amount of restitution ordered.
  (c) Number of victims (by type and amount of loss/injury) receiving restitution.

(3) Number/percent juveniles successfully completing their restitution orders.

(4) Total amount of restitution collected/completed.

(5) Number obtaining restitution-related employment/ job services.

(6) Total Federal/non-Federal dollars expended annually.

(7) Operational costs per case.

(8) Number of participants rearrested during the program.

(9) Number of participants incarcerated as a result of rearrest or program failure.

(10) Number retaining restitution-related employment following completion.

(11) Victim satisfaction with the program.

RESTTA

RESTTA—the Restitution Education, Specialized Training, and Technical Assistance Program—is a new initiative of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice. As interest in juvenile restitution grows around the Nation, RESTTA provides practitioners with the information and resources they need to start or expand their own programs. An important part of the RESTTA concept is that local agencies will be able to design their own programs—choosing from an array of program options those that fit their needs—with the help of RESTTA.

RESTTA's mission is to:

- Stimulate interest around the country in restitution as an effective strategy for dealing with juvenile offenders.
- Share information and skills through training and technical assistance—getting "what works" into the hands of juvenile justice practitioners.
- Support local initiatives through an innovative program of small technical assistance vouchers.
- Offer the widest possible range of successful program models to the juvenile justice system—*without* "top-down" Federal prescription.

To achieve this mission, RESTTA is building a network of organizations and resources capable of responding to information, training, and technical assistance needs across the Nation. A new National Restitution Resource Center (NRRC), created within the Juvenile Justice Clearinghouse/NCJRS, serves as the initial contact point for receipt and dissemination of restitution information. Forthcoming publications from RESTTA include a comprehensive *Guide to Juvenile Restitution*, a State-by-State *Program Directory*, and a bimonthly calendar of upcoming RESTTA training events and new developments in restitution.

To create direct opportunities for practitioners to meet and share their skills, RESTTA will sponsor a series of national conferences and mini-seminars for key personnel: judges, probation officers, prosecutors, counselors, administrators of juvenile restitution programs, and other service providers. RESTTA-sponsored experts and information specialists will serve as speakers, trainers, and workshop leaders at meetings with State and national juvenile justice organizations.

Additionally, six "host sites", representing a range of model restitution approaches, have been selected to conduct a number of seminars for small groups of visiting participants. This program will put practitioners in touch with each other in an *operational* setting.

Finally, there is the Technical Assistance Voucher program, through which interested jurisdictions can purchase the technical and training resources available through RESTTA, including the use of consultants from a RESTTA-maintained pool.

Flexibility is the key word in describing RESTTA's programming. An agency may decide to use all or only part of RESTTA services, depending on its needs. Some agencies may be highly experienced in the restitution field, while others will be beginners. For the latter, a good starting point would be attendance at one of the four national training seminars, followed by a visit to a host site. The agency staff might then attend one of the mini-seminars and share its experience with other practitioners. In this way, a trained and committed restitution network will emerge nationwide, and the "snowball" effect of information sharing will help make that network self-sustaining.

National Training Seminars

Participants at each RESTTA national training seminar will have the benefit of faculty who are recognized experts in juvenile restitution with practical experience in initiating, operating, and managing local programs. The faculty will include:

- Honorable John M. Brundage, Judge, Calhoun County Juvenile Courts, Marshall, Michigan.
- Keith L. Bumsted, Director, Administration and Technical Services, National Center for State Courts.
- Cynthia L. Diehm, National Association of Counties, Washington, D.C.
- Howard F. Feinman, Attorney, Eugene, Oregon.
- Geoff Gallas, Institute for Court Management, Denver, Colorado.
- Andrew R. Klein, Chief Probation Officer, Quincy, Massachusetts, District Court.
- Honorable Albert L. Kramer, Judge, District Court, Quincy, Massachusetts.
- James Rowland, Director, California Department of Youth Authority.
- H. Ted Rubin, Senior Staff Attorney, Institute for Court Management of the National Center for State Courts, Denver, Colorado.
- Anne L. Schneider, Policy Sciences Group, Oklahoma State University.
- Peter R. Schneider, Pacific Institute of Research and Evaluation, Walnut Creek, California.
- Paula Seidman, National Restitution Resource Center/Juvenile Justice Clearinghouse.
- Richard Van Duizend, National Center for State Courts, Williamsburg, Virginia.
- Honorable Marshall P. Young, Judge, Seventh Judicial Circuit Court, Rapid City, South Dakota.

Materials and information will be presented in a format that maximizes the opportunities for learning and exchange among participants. There will be daily plenary and group workshops, presentations by established restitution and community service programs, and resource booths. All participants will receive a copy of *Guide to Juvenile Restitution*. Representatives from the six RESTTA host sites will be

present to describe their goals and operations and provide information about their upcoming onsite training sessions.

Participants will leave the seminar knowing how to start a restitution program, whom to contact for information, and how to apply for technical assistance vouchers to help offset costs. The national training seminars are designed to be of value to everyone involved in restitution—those considering a new program and those wanting indepth study of management and policy issues for an existing program.

National Training Seminars schedule:

- May 5–8, 1985—Philadelphia, Pennsylvania
- July 21–24, 1985—San Francisco, California
- October 20–23, 1985—Kansas City, Missouri
- April 6–9, 1986—Atlanta, Georgia

For further information, contact Mary Hogan, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23187–8798. Telephone 804–253–2000.

Technical Assistance Vouchers

Vouchers—authorizations to spend up to a certain amount as reimbursement for actual expenses—are an innovative way to provide technical assistance where it is most needed, with minimal red tape. RESTTA vouchers give interested jurisdictions access to financial assistance for use of the technical and training resources available through the RESTTA program.

Vouchers, generally of up to $1,000 per jurisdiction, are available to aid in such activities as:

- Purchasing consultant services to design, implement, or expand a restitution project.
- Holding an intensive seminar or workshop for the staff of the juvenile court or probation department, focusing on issues unique to the jurisdiction.
- Installing a management information system to monitor the flow of clients.
- Paying tuition costs for attendance at a RESTTA host site seminar.
- Combining vouchers with other jurisdictions to sponsor a mini-seminar—a regional or statewide workshop capitalizing on local resources as well as national expertise.

Certain minimum restrictions apply; for instance, vouchers may not be used for travel, general operating support, equipment purchase, lobbying, or fundraising. They may only be issued to governmental or government-authorized private organizations, and must be endorsed by the presiding juvenile court judge.

Otherwise, the use of vouchers is limited only by the applicant's creativity. For details about the application process, or for general information on the voucher program, contact Peter R. Schneider, RESTTA National Coordinator, Pacific Institute for Research and Evaluation, 1777 North California Boulevard, Walnut Creek, CA 94596. Telephone 415–939–6666.

Host Sites

RESTTA staff visited restitution programs across the Nation and selected six of the most outstanding to serve as host sites. The host sites were evaluated on three major criteria:

- *Quality*—comprehensiveness, support from community and courts, success rate, staffing capabilities, innovativeness, adaptation to local conditions, high-quality management, and good public relations.
- *Replicability*—good program manual and guidelines, capture of management data, quality of forms, and staff training capabilities.
- *Geography*—accessibility, diversity of size and population served, geographic spread throughout the Nation.

Finally, each of the six has unique features that make its experience especially valuable for training other jurisdictions. Beginning in June 1985, RESTTA's host site program offers at least five 1-day seminars at each site. Seminar participants will be able to see "real life" examples of leading program models in operation.

The six host sites are:

Juvenile Restitution Project, Ventura County Corrections Services Agency, Ventura, California. 1985 training dates: August 15-16, October 10-11. 1986 training dates: January 23-25, March 27-28, June 5-6.

Unique features

- Run by the county executive-branch corrections agency.
- The only residential program among the host sites.
- Accepts mostly second- and third-time property offenders.

Program focus

- Job readiness and job search preparation (juveniles must find their own jobs in the private sector).
- Reimbursements to individual victims and community service work as symbolic restitution to the community for a delinquent act.
- School program emphasizing emancipation and independent living skills.

Juvenile Restitution Program, Dallas County Juvenile Department, Dallas, Texas. 1985 training dates: June 6-7, September 5-6, November 21-22. 1986 training dates: March 14-15, June 5-6.

Unique features

- Strong mediation component, with mediators recruited from the community.
- Strong citizen support and involvement.
- A high number of community service sites (109).

Program focus

- Individual, rather than offense-based, intervention and restitution; concern over what is best for the youth.
- Individualized community service placements for youth.
- Maximizing positive adult-juvenile supervisor relationships.

- Use of small work crews for routine maintenance of public areas to avoid large-scale cleanups.

Restitution and Community Services Work Program, Blackhawk County Juvenile Court Services, Waterloo, Iowa. 1985 training dates: August 19, September 18, November 13. 1986 training dates: March 4, April 16.

Unique features

- State-subsidized job placements facilitate victim repayment (when juveniles have no other means of meeting restitution obligations).
- Provides jobs through a State contract with the local government, nonprofit organizations, and private business.
- Sponsors monthly 4-hour workshops to help youth in locating their own jobs.
- Requires continued responsibility for completion of restitution orders by juveniles who have been committed to residential programs for probation violations.

Program focus

- Reimbursement to victims.
- Accountability of juveniles.
- Assurance that juveniles have job placements in order to make payments.
- Restitution for all offenses involving an identifiable victim.

Juvenile Restitution Program, Inc., South Carolina Department of Youth Services, Charleston, South Carolina. 1985 training dates: August 22-23, September 26-27, November 14-15. 1986 training dates: January 16-17, March 20-21.

Unique features

- Administered by a private, nonprofit agency under contract with the State.
- Statewide restitution based on the Charleston Juvenile Restitution Program.
- Provides job skills training for youth.
- Provides youth with job descriptions and certificates of completion.
- Active promotion and cultivation of volunteers.
- Strong community support, with over 100 community job sites.

Program focus

- Treating youth as employees.
- Matching community service placements to youth interests.
- Employment skills and youth accountability.

Judgment Restitution Program of the Prince George's County Circuit Court, Upper Marlboro, Maryland. 1985 training dates: June 17, September 9, November 18. 1986 training dates: January 13, March 17.

Unique features

- By State statute parents are held responsible for ensuring restitution payments to victims.
- Program focuses exclusively on collection of financial restitution.
- Low-cost, high completion rate—collects up to $245,000 annually.

Program focus

- Accountability to the victim and victim satisfaction.
- Family responsibility for the youth.

The Restitution Program (EARN-IT) of the District Court of East Norfolk, Quincy, Massachusetts. 1985 training dates: June 20-21, September 19-20, November 7-8. 1986 training dates: April 17-18, June 19-20.

Unique features

- Sponsored jointly with the Chamber of Commerce, with emphasis on juvenile employment.
- Extensive use of victim-offender mediation to determine payment amount.
- Use of community service restitution and intensive probation supervision for high-risk offenders.

Program focus

- Juvenile accountability.
- Community service placements as well as job placements.
- Extensive job-finding assistance.
- Mediation.

A $100 seminar tuition fee to the host site is reimbursable through technical assistance vouchers. For further information on the host site program, contact H. Ted Rubin, Institute for Court Management, Suite 402, 1331 17th Street, Denver, CO 80202. Telephone 303–534–3063.

Mini-Seminars and Conference Presentations

This component of the RESTTA program has two purposes: to allow restitution practitioners to gather together and share their knowledge and experiences, and to reach out to the broader justice community and the community at large to promote restitution as an important alternative to current practices.

The mini-seminars are intended to fill the gap between the national training seminars and onsite technical assistance through the host sites. A State or city government (or several localities pooling their resources) can contact RESTTA for technical assistance and faculty recommendations (a mixture of RESTTA personnel and trainers from local areas), who can present subjects to specific groups (e.g., prosecutors, defense attorneys, police, judges). Technical assistance vouchers can be used to help support the mini-seminars.

The mini-seminars can provide training while focusing on specific but common issues. For example:

- States in which new legislation mandates restitution may request mini-seminars to help interpret the legislation and to develop common policies and procedures.

- Neighboring jurisdictions may request a mini-seminar for the purpose of standardizing policy, sharing employment opportunities for offenders, or sharing the operational load.
- A populous jurisdiction with a number of sitting judges and a large probation staff may request a mini-seminar to help institute a program or improve existing practices.

The first mini-seminar, sponsored by the California Youth Authority and the Pacific Institute for Research and Evaluation, was held in Pasadena in January 1985. It brought together California's community service and juvenile justice professionals—probation officers, county administrative officers, juvenile court judges, public defenders, and other elected or appointed State officials. The seminar concentrated on developing a written document outlining restitution law in California and juvenile restitution program models for large, medium, and small counties, to be used in offering technical assistance throughout the State. While not all mini-seminars will be as ambitious, the kickoff seminar in California gives a good idea of what States can do.

RESTTA also plans to identify national and State organizations holding annual conferences and to request space on their agendas. Faculty from the RESTTA pool of experts will tailor their presentations to the needs of the particular audience. This effort also will attempt to reach beyond juvenile and criminal justice organizations to bring the restitution message to citizens' groups. Such presentations have already been made to the National Association of Counties' Employment Policy and Human Resources Conference, the Chief Probation Officers Association of California, and the California Governor's Conference on Victims' Rights.

Jurisdictions may request a RESTTA presentation at local conferences or other events, and may help offset expenses with a technical assistance voucher.

For more information on mini-seminars and conference presentations, contact Eileen Taylor, National Association of Counties, 440 First Street NW., Washington, DC 20001. Telephone 202–393–6226.

National Restitution Resource Center

The Resource Center is part of the Juvenile Justice Clearinghouse/National Criminal Justice Reference Service. It serves as a clearinghouse to disseminate information on every aspect of restitution programming. The NRRC operates a toll-free number, 800–638–8736. Information specialists can assist you or direct your call to the appropriate organization in the RESTTA consortium to provide direct assistance. You may also write to the National Restitution Resource Center, Juvenile Justice Clearinghouse/NCJRS, Box 6000, Rockville, MD 20850.

A "Topical Search—Juvenile Restitution", has been prepared by the Juvenile Justice Clearinghouse/NCJRS. It includes abstracts of 31 of the most representative citations on the subject of juvenile restitution. A copy of this annotated bibliography may be obtained from the NRRC.

While RESTTA is a *national* program aimed at supporting restitution, its philosophy is to let *local* programs decide what they need, while providing the information to help localities make intelligent choices. RESTTA, through its programs, publications, and the National Restitution Resource Center, will help jurisdictions talk to each other, learn from each other, and "share the wealth" of restitution experience.

OJJDP Formula Grants

Under Title II of the 1974 Juvenile Justice and Delinquency Prevention Act, as amended, formula grants are available to States for purposes designated in the Act.

These funds are distributed by the Office of Juvenile Justice and Delinquency Prevention and are administered by State agencies responsible for monitoring the grants awarded. To obtain the name of the cognizant State agency, administrator, and funding timetables and requirements, contact: Emily C. Martin, Acting Director, State Relations and Assistance Division, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Washington, DC 20531. Telephone 202–724–5921.

Bibliography

Paula F. Seidman, National Restitution Resource Center/Juvenile Justice Clearinghouse

Introduction

The following is a selection of the most important documents relating to juvenile restitution in the collection of the National Criminal Justice Reference Service (NCJRS). NCJRS is the centralized national clearinghouse serving the criminal justice community since 1972. In addition to its operations for the National Institute of Justice, NCJRS also operates the Juvenile Justice Clearinghouse for the National Institute for Juvenile Justice and Delinquency Prevention, the Dispute Resolution Information Center for the Federal Justice Research Program, and the Justice Statistics Clearinghouse for the Bureau of Justice Statistics. The National Restitution Resource Center is operated through the Juvenile Justice Clearinghouse.

NCJRS maintains a steadily growing computerized data base of more than 75,000 criminal justice documents, operates a public reading room where researchers may consult the publications themselves, and offers complete information and referral services.

Among the wide array of products and services provided by NCJRS are custom searches, topical searches and bibliographies, research services, audiovisual and document loans, conference support, selective dissemination of information, and distribution of documents in print or microfiche.

Registered users of NCJRS receive *NIJ Reports*, a free publication containing research reports, abstracts, and a calendar of events, every other month. For information on becoming a registered user, write National Institute of Justice/NCJRS User Services, Box 6000, Rockville, MD 20850 or call 800–851–3420 (301–251–5500 in the Washington, D.C., metropolitan area, Maryland, and Alaska).

How To Obtain Documents

Many of the documents listed are available as "free microfiche from NCJRS." To order free microfiche, write to National Institute of Justice/NCJRS Microfiche Program, Box 6000, Rockville, MD 20850. Specify the title and the five-digit "NCJ number" (at the end of each entry). You may obtain up to 10 titles without charge. For orders of more than 10, the charge per title is $1.05 plus $4.50 postage and handling (for up to 25 titles). Prices in Canada are slightly higher.

All publications in the NCJRS collection may be borrowed via an interlibrary loan program through your public, organizational, or academic library, for $4.50 per document in the U.S. and $5.00 in Canada. This program is free to all Federal agencies, to State and local criminal and juvenile justice agencies, and to members of the Criminal Justice Information Exchange Group.

In addition, several publications may be available from their original publisher. As NCJRS does not guarantee prices or availability of documents from other sources, only the addresses of the original publishers have been listed.

Community Service

Community Service Order for Youthful Offenders—Perceptions and Effects. By A.N. Doob and P.D. Macfarlane, University of Toronto Centre of Criminology. 1984: 96 pp. Availability: University of Toronto Centre of Criminology Publications Officer, 130 St. George Street, Rm. 8001, Toronto, Ontario, Canada M5S 1A1, Paperback. NCJ 94449

Community Service Order Program—The British Columbia Experience—V 1—Background and Description of Initial Cases. By A.D. Kirkaldy. Sponsored by the British Columbia Department of the Attorney-General. 1977: 124 pp. Availability: free microfiche from NCJRS. NCJ 45953

Community Service Program—Juvenile Division—McLean County (IL) Court Services. By R. Hoffarth, McLean County Court Services Juvenile Division. 1979: 60 pp. Availability: free microfiche from NCJRS. NCJ 69302

"Community Youth Aid Panels—An Alternative for Minor Offenders." By L. DeMooy. *New Designs for Youth Development*, V 3, N 5 (September/October 1982), pp. 9–15. NCJ 86180

Effects of a Community Service Matrix. By A.J. Benek, G.B. Trope, and J. Allen. 1980: 8 pp. Availability: free microfiche from NCJRS. NCJ 73009

Give and Take—A Study of CSV's (Community Service Volunteers) Project for Young People in Care. By S. Millham, R. Bullock, M. Haak, K. Hosie, and L. Mitchell. 1980: 63 pp. Availability: Community Service Volunteers, 237 Pentonville Road, London N1 9NJ, England, Paperback. NCJ 92990

Quincy District Court—Intake Team—Community Service Procedures Manual. By R.A. Durand, Quincy District Court Intake Team. 1982: 20 pp. Availability: free microfiche from NCJRS. NCJ 87337

Evaluation

Effect of Seattle's (WA) Community Accountability Program Upon Juvenile Crime. By K.E. Mathews, Jr., and A.M. Geist. 1977: 12 pp. Availability: free microfiche from NCJRS. NCJ 53931

Evaluation of Juvenile Restitution Program Project—Detour Final Report. By J. Crotty and R.D. Meier, Thamens Valley Council for Community Action, Inc., Behavioral Systems Associates, Inc. Sponsored by the U.S. Department of Justice. 1982: 31 pp. Availability: free microfiche from NCJRS. NCJ 87942

Evaluation of the Juvenile Alternative Services Project. By A. Cannon and R.M. Stanford, Florida Department of Health and Rehabilitative Services Office of Children, Youth and Families Data Analysis Unit. 1981: 80 pp. Availability: free microfiche from NCJRS. NCJ 80633

Evaluation of the Washington State Juvenile Restitution Project—Final Report—Executive Summary. By Performance Resources, Inc. Sponsored by the Washington Department of Social and Health Services. 1982: 7 pp. NCJ 89530

Juvenile Restitution Project—An Evaluation. By the Louisville/Jefferson County Department for Human Services Office of Research and Planning. Sponsored by the U.S. Department of Justice. 1981: 36 pp. Availability: free microfiche from NCJRS. NCJ 77112

Juvenile Restitution Project in the Fourth Judicial District—Final Report. By W.H. Gilmore, Ada County District Court. Sponsored by the U.S. Department of Justice. 1981: 24 pp. Availability: free microfiche from NCJRS. NCJ 82718

Juvenile Restitution—2-year Report on the National Evaluation—Executive Summary. By P.R. Schneider, A.L. Schneider, W.R. Griffith, and M.J. Wilson, Institute of Policy Analysis. Sponsored by the U.S. Department of Justice, National Institute for Juvenile Justice and Delinquency Prevention. 1983: 17 pp. Availability: free microfiche from NCJRS. NCJ 87615

Louisville/Jefferson County (KY)—Juvenile Restitution Project—A Preliminary Evaluation. By the Kentucky Department for Human Services Office of Research and Planning. Sponsored by the U.S. Department of Justice. 1979: 27 pp. Availability: free microfiche from NCJRS. NCJ 66949

"Relative Redemption—Labeling in Juvenile Restitution." By K. Levi. *Juvenile and Family Court Journal*, V 33, N 1, (February 1982), pp. 3–13. Availability: free microfiche from NCJRS. NCJ 84111

Restitution for Juveniles: A Final Evaluation Report on the Orleans Parish (LA) Juvenile Court Juvenile Restitution Project. By S.M. Hunt and G.D. Litton, Jr., New Orleans Mayor's Criminal Justice Coordinating Council. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1981: 115 pp. Availability: free microfiche from NCJRS. NCJ 79326

Restitution for Juveniles—A Process Evaluation Report on the Orleans Parish Juvenile Court Juvenile Restitution Project. By S.M. Hunt, New Orleans Mayor's Criminal Justice Coordinating Council. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1980: 108 pp. Availability: free microfiche from NCJRS. NCJ 67609

Tri-County Juvenile Restitution Program. By N. Beck-Zierdt, Minnesota Crime Control Planning Board, Research and Evaluation Unit. 1980: 34 pp. Availability: free microfiche from NCJRS. NCJ 80429

Two-Year Report on the National Evaluation of the Juvenile Restitution Initiative—An Overview of Program Performance. By P.R. Schneider, A.L. Schneider, W.R. Griffith, and M.J. Wilson, Institute of Policy Analysis. Sponsored by the U.S. Department of Justice, National Institute for Juvenile Justice and Delinquency Prevention. 1982: 153 pp. Availability: free microfiche from NCJRS. NCJ 86676

Victim's Assistance Program—Evaluation Study—Report Number One: Study Sample. By R.L. Sutton, Clark County Juvenile Court Services. Sponsored by the U.S. Department of Justice. 28 pp. NCJ 65642

Victim's Assistance Program—Evaluation Study—Report Number Two: Restitution. By R.L. Sutton, Clark County Juvenile Court Services. Sponsored by the U.S. Department of Justice. 27 pp. NCJ 65643

Victim's Assistance Program—A Summary Evaluation—Report Number Three. By R.L. Sutton, Clark County Juvenile Court Services. Sponsored by the U.S. Department of Justice. 1976: 68 pp. NCJ 65644

Programs

Community Action for Restitution in Services for Minors Achievements (CARISMA)—Final Narrative Report, October 15, 1978–December 31, 1980. By V. Davila, Puerto Rico Department of Addiction Services. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1981: 114 pp. Availability: free microfiche from NCJRS. NCJ 79339

"Community Restitution for Juveniles—An Approach and Preliminary Evaluation." By D. Shichor and A. Binder, *Criminal Justice Review*, V 7, N 2 (Fall 1982), pp. 46–50. NCJ 87090

"Creative Punishment—A Quick Justice System for Juvenile Offenders." By G.R. Wheeler, New York State Probation and Parole Association. *Probation and Parole*, N 9 (Fall 1977), pp. 7–17. NCJ 54046

Earn It—The Story So Far. By A.R. Klein and A.L. Kramer. Sponsored by the Edna McConnell Clark Foundation, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1981: 77 pp. Availability: Citizens for Better Community Courts, Inc., Quincy Court, Quincy, MA 02169, Paperback. NCJ 93050

"If You Want a Second Chance, 'Earn It'." By J. Ciner, Criminal Justice Publications, Inc. *Corrections Magazine*, V 4, N 4 (December 1978), pp. 64–67. NCJ 53036

Juvenile Restitution Program—Final Report. By M. Hofford, Trident United Way. Sponsored by the U.S. Department of Justice. 1981: 27 pp. Availability: free microfiche from NCJRS. NCJ 80093

"New Slant on Restitution." By C. Remington, California Department of the Youth Authority. *Youth Authority Quarterly*, V 32, N 4 (Winter 1979), pp. 14–18. NCJ 66157

New York State Juvenile Restitution Program. By H. Cohen. 1980: 19 pp. Availability: free microfiche from NCJRS. NCJ 72997

"Overview of Restitution Program Models in the Juvenile Justice System." By A.L. Schneider and P.R. Schneider, National Council of Juvenile and Family Court Judges. *Juvenile and Family Court Journal*, V 31, N 1 (February 1980), pp. 3–22. Sponsored by the U.S. Department of Justice. NCJ 66058

"Rural Restitution Program for Juvenile Offenders and Victims" (from *Victims, Offenders, and Alternative Sanctions*, pp. 131–136, 1980, J. Hudson and B. Galaway, ed.—see NCJ 74113). By R. Kigin and S. Novack. 1980: 6 pp. Availability: Heath Lexington Books, 125 Spring Street, Lexington, MA 02173. NCJ 74122

Theatre Connection—Occupational Exploration Thru the Performing Arts. By A. Klein. Sponsored by the U.S. Department of Labor Comprehensive Employment and Training Act. 1982: 46 pp. NCJ 92987

Tri-County Juvenile Restitution Program. By R.W. Kigin. 1979: 16 pp. Availability: free microfiche from NCJRS. NCJ 72961

Two Restitution Programs—Similarities and Differences. By S.M. Hunt. 1980: 13 pp. Availability: free microfiche from NCJRS. NCJ 73001

"Victims and Delinquents in the Tulsa Juvenile Court." By B. Galaway, M. Henzel, G. Ramsay, and B. Wanyama. *Federal Probation*, V 44, N 2 (June 1980), pp. 42–48. Availability: free microfiche from NCJRS. NCJ 72224

Wisconsin Juvenile Restitution Project—First Annual Report, March 3, 1979–February 29, 1980. By E.D. John. Wisconsin Department of Health and Social Services Division of Community Services Bureau of Children, Youth and Families. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1980: 52 pp. NCJ 74267

Legal Issues

"Legal Issues in the Operation of Restitution Programs" (Appendix 2 of *Restitution by Juvenile Offenders—An Alternative to Incarceration—Program Announcement*, 1978). Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1978: 13 pp. Availability: free microfiche from NCJRS. NCJ 60252

"Legal Issues in the Operation of Restitution Programs in a Juvenile Court" (from *Victims, Offenders, and Alternative Sanctions*, pp. 139–149, 1980, J. Hudson and B. Galaway, ed.—see NCJ 74113). By H. Feinman. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1980: 11 pp. Availability: Heath Lexington Books, 125 Spring Street, Lexington, MA 02173. NCJ 74123

Restitution and Community Service as Dispositional Alternatives in Delinquency Cases. By J.L. Hutzler, T.S. Vereb, and D.R. Dexel, National Center for Juvenile Justice Research Division. Sponsored by the U.S. Department of Justice, National Institute for Juvenile Justice and Delinquency Prevention. 1981: 25 pp. Availability: free microfiche from NCJRS. NCJ 79417

Restitution—Legal Analysis. By R. Gottesman and L. Mountz, National Council of Juvenile and Family Court Judges. 1979: 24 pp. Availability: National Council of Juvenile and Family Court Judges, Box 8978, University of Nevada, Reno, NV 89507. NCJ 63142

Review of State Laws Relevant to Juvenile Restitution. By H. Feinman, Institute of Policy Analysis. Sponsored by the U.S. Department of Justice. 1980: 25 pp. Availability: free microfiche from NCJRS. NCJ 79499

Management/Implementation

Accountability in Action. By W.J. Halacy, The Restitution Alternative, Gary B. Smith and Associates. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 41 pp. Availability: free microfiche from NCJRS. NCJ 69890

Holding Youth Accountable—A Manual for Organizing a Community Based Restitution Program for Delinquent Youth. By D.E. Reed and A.O. Stevens, Chicago Law Enforcement Study Group. 1983: 51 pp. Availability: Chicago Law Enforcement Study Group, 109 North Dearborn Street, Suite 303, Chicago, IL 60602, Paperback. NCJ 91915

Implementation of Statewide Restitution in South Carolina. By T. Dukes. 1980: 26 pp. Availability: free microfiche from NCJRS. NCJ 73015

Maine District Court—The Restitution Alternative—Operations and Procedures Manual. By The Restitution Alternative. 1981: 118 pp. Availability: free microfiche from NCJRS. NCJ 78902

Managing Juvenile Restitution Projects. By G. Waldron and J. Lynch, American Jewish Committee. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 42 pp. Availability: free microfiche from NCJRS. NCJ 91026

Repairing the Damage—A Juvenile Restitution Guide. By N. Beck-Zierdt and S. Shattuck, Minnesota Criminal Justice Program. 1982: 50 pp. Availability: free microfiche from NCJRS. NCJ 91218

Restitution—A Guidebook for Juvenile Justice Practitioners. By T. Armstrong, M. Hofford, D. Maloney, C. Remington, and D. Steenson. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1983: 102 pp. Availability: National Council of Juvenile and Family Court Judges, Box 8978, University of Nevada, Reno, NV 89507, Paperback. NCJ 91916

Research

Assessment of Restitution in the Minnesota Probation Services—Summary Report. By S.L. Chesney, Minnesota Department of Corrections. 1976: 31 pp. Availability: free microfiche from NCJRS. NCJ 32744

Criminal Must Pay! Restitution in New York State. By the New York State Senate Minority Task Force on Criminal Justice. 1980: 52 pp. Availability: free microfiche from NCJRS. NCJ 73612

Effects of Symbolic Restitution and Presence of Victim on Delinquent Shoplifters. By M.L. Wax, Washington State University. Doctoral Dissertation. 1977. NCJ 59372

Exploratory Study of the Perceived Fairness of Restitution as a Sanction for Juvenile Offenders. By B. Galaway and W. Marsella. 1976: 40 pp. Availability: free microfiche from NCJRS. NCJ 59306

Juvenile Restitution—A Dynamic and Challenging Alternative. By D.L. Tank and M.C. McEniry, Wisconsin Department of Health and Social Services. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1979: 15 pp. Availability: free microfiche from NCJRS. NCJ 67844

"Juvenile Restitution" (Appendix 1 of *Restitution by Juvenile Offenders—An Alternative to Incarceration—Program Announcement*, 1978). Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1978: 19 pp. Availability: free microfiche from NCJRS. NCJ 60251

Juvenile Restitution as a Sole Sanction or Condition of Probation—An Empirical Analysis. By P.R. Schneider, W.R. Griffith, and A.L. Schneider, Institute of Policy Analysis. Sponsored by the U.S. Department of Justice, National Institute for Juvenile Justice and Delinquency Prevention. 1980: 35 pp. Availability: free microfiche from NCJRS. NCJ 81391

"Juvenile Restitution—Combining Common Sense and Solid Research To Build an Effective Program, Part 1." By D. Maloney, D. Gilbeau, M. Hoffard, C. Remington, and D. Steenson. *New Designs for Youth Development*, V 3, N 3 (May–June 1982), pp. 3–8. Availability: free microfiche from NCJRS. NCJ 84124

Making Restitution Work—A Historical Perspective. By R.F. Rhyme and W.P. O'Connor. 1980: 13 pp. Availability: free microfiche from NCJRS. NCJ 72998

"Policy Expectations and Program Realities in Juvenile Restitution" (from *Victims, Offenders, and Alternative Sanctions*, pp. 37–53, 1980, J. Hudson and B. Galaway, ed.—see NCJ 74113). By A.L. Schneider and P.R. Schneider. Sponsored by the U.S. Department of Justice. 1980: 17 pp. Availability: Heath Lexington Books, 125 Spring Street, Lexington, MA 02173. NCJ 74116

Predicting Recidivism of Juvenile Delinquents on Restitutionary Probation From Selected Background, Subject and Program Variables. By L.J. Guedalia. 1979: 113 pp. NCJ 73457

"Requirement of Restitution for Juvenile Offenders—An Alternative Disposition." By R.C. Evans and G.D. Koederitz, *Journal of Offender Counseling Services and Rehabilitation*, V 7, N 3/4 (Spring/Summer 1983), pp. 1–20. NCJ 92307

Restitution—A Dynamic and Challenging Alternative for Wisconsin's Juvenile Justice System. By M.C. McEniry, Wisconsin Department of Health and Social Services. Sponsored by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 1979: 169 pp. Availability: free microfiche from NCJRS. NCJ 67845

"Restitution—A Just Compensation." By the Children's Legal Rights Information and Training Program. *Children's Legal Rights Journal*, V 1, N 3 (November/December 1979), pp. 4–7. NCJ 69135

Restitution—A Sanction for All Seasons. By T.L. Armstrong. 1980: 26 pp. Availability: free microfiche from NCJRS. NCJ 73010

Restitution Compliance and In-Program Reoffense Rates—A Comparison of Experimental and Control Group Performance in Ventura County, California. By M.J. Wilson, Ventura Corrections Services Agency; Institute of Policy Analysis. Sponsored by the U.S. Department of Justice; Ventura County Government. 1982: 33 pp. Availability: free microfiche from NCJRS. NCJ 81950

"Restitution in Juvenile Justice" (from *Improving Management in Criminal Justice*, pp. 131–142, 1980, A.W. Cohn and B. Ward, ed.—see NCJ 76036). By L.J. Siegel. 1980: 12 pp. Availability: Sage Publications, Inc., 275 South Beverly Drive, Beverly Hills, CA 90212. NCJ 76045

Restitution in Juvenile Justice—Issues in the Evolution and Application of the Concept. By T.L. Armstrong, University of Chicago, National Center for Assessment of Alternatives to Juvenile Justice Processing. Sponsored by the U.S. Department of Justice, National Institute for Juvenile Justice and Delinquency Prevention. 1981: 104 pp. Availability: free microfiche from NCJRS. NCJ 82405

"Restitution Requirements for Juvenile Offenders—A Survey of the Practices in American Juvenile Courts." By P.R. Schneider, A.L. Schneider, P.D. Reither, and C.M. Cleary, National Council of Juvenile and Family Court Judges. Sponsored by the U.S. Department of Justice. *Juvenile Justice*, V 28, N 4 (November 1977), pp. 43–56. NCJ 44628

"Statistical Power Analysis and Experimental Field Research: Some Examples From the National Juvenile Restitution Evaluation." By J.F. Medler, P.R. Schneider, and A.L. Schneider. Sponsored by the U.S. Department of Justice, National Institute for Juvenile Justice and Delinquency Prevention. *Evaluation Review*, V 5, N 6 (December 1981), pp. 834–850. NCJ 81012

Systems Analysis—An Analysis of the Functioning of Restitution Programs in the District, County and Juvenile Courts in Three Minnesota Judicial Districts. By B. McBeath, J. Worel, and D. Wynne, Alternative Behaviors Associates, Inc. Sponsored by the U.S. Department of Justice. 52 pp. Availability: free microfiche from NCJRS. NCJ 46473

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